

Introduced	J. Cervelli	Date of Introduction	January 20, 2011
Seconded	R. Kasofsky	Public Hearing	February 10, 2011
		Date of Adoption	February 10, 2011

BOROUGH OF FORT LEE

ORDINANCE # 2011-1

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388,  
SECTIONS 14 AND 69 OF THE CODE OF THE BOROUGH OF FORT  
LEE, ENTITLED "HANDICAPPED PARKING SPACES"**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE as follows:

**Section I:** Chapter 388, Section 69, Schedule XXIII, is hereby amended and supplemented so as to delete the following as handicapped parking spaces:

1. (tt) 1227 Inwood Terrace - Along the west curblineline of Inwood Terrace, beginning at the point 217 feet south of the South curb apex of Palisade Boulevard and Inwood Terrace and continuing 20 feet south of same point.
2. (bbb) 1625 Ponsi Street - Along the west curblineline of 1625 Ponsi Street, beginning at a point 85 feet north of the apex of the northwest corner of Ponsi Street and Hazlitt Avenue and continuing north along the same line Extending an additional 20 feet north.

**Section II:** The provisions of this Ordinance are hereby declared to be severable; should any part, portion or provision hereof be declared invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

**Section III:** In the event on any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Fort Lee, the provisions hereof shall be deemed to govern. All other parts, portions, and provisions of Chapter 388 are hereby ratified and confirmed, except where inconsistent herewith.

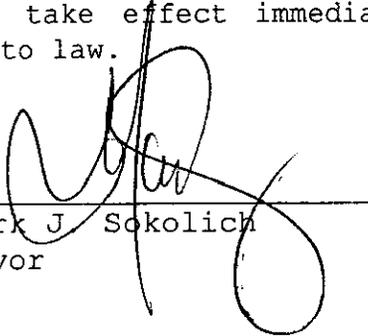
**Section IV:** This Ordinance shall take effect immediately upon final passage and publications according to law.

ATTEST:

*Neil Grant*

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Neil Grant  
Borough Clerk



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Mark J Sokolich  
Mayor

Introduced	J. CURVILLO	Date of Introduction	January 20, 2011
Seconded	H. SCHMIDT	Public Hearing	February 10, 2011
		Date of Adoption	February 10, 2011

BOROUGH OF FORT LEE

ORDINANCE # 2011-2

**AN ORDINANCE AMENDING SALARY ORDINANCE #2009-2  
ESTABLISHING SALARIES FOR WHITE COLLAR EMPLOYEES  
AND CERTAIN NON-UNION EMPLOYEES**

BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee that Ordinance #2009-2 is hereby amended as follows:

SECTION I: Non-Union Personnel Schedule "B" shall be amended to reflect the following positions for 2011 as indicated below:

<u>Name</u>	<u>Title</u>	<u>Salary</u>
Kevin Corrison	Public Defender	\$25,000
Raffi Khorozian	Prosecutor	\$25,000

SECTION II: This ordinance shall take effect immediately upon passage and publication as prescribed by law and shall be retroactive to January 1, 2011.

ATTEST:

*Neil Grant*

Neil Grant  
Borough Clerk

BOROUGH OF FORT LEE

*Mark J. Sokolich*  
Mark J. Sokolich  
Mayor

Introduced	J. CLAVIERI	Date of Introduction	January 20, 2011
Seconded	A. POGAN	Public Hearing	February 10, 2011
		Date of Adoption	February 10, 2011

BOROUGH OF FORT LEE

ORDINANCE # 2011-3

**AN ORDINANCE AMENDING CHAPTER 193, UNIFORM CONSTRUCTION CODES, SECTION 2, FEES, OF THE CODE OF THE BOROUGH OF FORT LEE**

BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 193, Uniform Construction Codes, Section 2, Fees, of the Code of the Borough of Fort Lee, is hereby amended:

Section 1. That Borough Ordinance 193-2 shall be amended and replaced with the following:

A. The following fees for a construction permit shall be the sum of the subcode fees listed in Schedules A through D hereof and shall be paid before the permit is issued.

(1) Schedule A: Building Subcode Fees

New Construction:

Based on cubic footage or  
structural volume \$0.035

Renovations, alterations and repairs:

1. Renovations, alterations and repairs  
(commercial)

Per the first \$1,000 of  
estimated cost \$60.00

For each \$1,000 of	
estimated cost thereafter	\$25.00
2. Renovations, alterations	
(residential)	
First \$1,000	\$50.00
Each \$1,000 thereafter	\$25.00
3. Additions, per cubic foot	
of volume	\$0.025
Lead hazard abatement work	
Permit fee	\$176.00
Lead abatement clearance certificate	\$35.00
Demolition:	
One and two-family dwellings	\$250.00
Multifamily	\$500.00
For each unit more than three, add	\$50.00
Residential detached garages, each	\$100.00
Commercial or industrial buildings	\$600.00
Certificate of Occupancy:	
One and two-family dwellings	\$100.00
Other residential units, per unit	\$100.00
Retail	\$150.00
Temporary Certificate of Occupancy	\$150.00
Other:	
Continual Certificate of	

Occupancy (residential)	\$100.00
Continual Certificate of	
Occupancy (retail use)	\$150.00
Offices, existing	\$150.00

The fee for an application for a variation in accordance with N.J.A.C. 5:23-2.10 shall be \$748 for Class I structures and \$151 for Class II and Class III structures. The fee for resubmission of an application for a variation shall be \$289.00 for Class I structures and \$82.00 for Class II and Class III structures.

If a purchaser of property in the Borough of Fort Lee fails to obtain a continual certificate of occupancy, the Construction Code Official shall notify the property owner of the violation by posting a notice of violation at the premises. If the property owner fails thereafter to obtain a continual certificate of occupancy, the property owner shall be subject to a fine of not less than \$250 for the first offense, not less than \$350 for the second offense, not less than \$500 for the third, and \$1,000 for each subsequent offense. Each day a violation continues and a summons is issued beyond the date fixed for compliance in the notice provided shall constitute a separate offense.

Commercial or Industrial:

First 50,000 square feet	\$100.00
Each 1,000 square feet over 50,000	\$100.00

Change in Use:

Fence

Up to 4 feet in height	No fee
Up to 6 feet in height	\$65.00

Air Conditioners:

Residential	Same as alteration fee
Commercial	Same as alteration fee

In-Ground swimming pool	\$250.00
Above-ground swimming pool	\$150.00

(2) Schedule B: Fire Subcode Fees

Plan Review	20% Of cost or \$75.00, whichever is greater
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Suppression Systems (based on number of sprinkler heads)

1 to 20	\$100.00
21 to 100	\$150.00
101 to 200	\$290.00
201 to 400	\$750.00
401 to 1,000	\$1,050.00
Over 1,000	\$1,500.00

Suppression Systems/Restaurants:

In Hood over stove	\$100.00
Dry chemical, CO2, halon, foam, etc.	\$100.00

Stand Pipes:

Up to 4 inches each line	\$250.00
From 4 to 6 inches, each line plus \$150.00 for increased increments of each additional inch	\$250.00,

Smoke and Heat Detectors:

1 to 20	\$65.00
21 to 100	\$105.00
101 to 200	\$190.00
201 to 400	\$465.00
401 to 1,000	\$590.00
Over 1,000	\$665.00

Fuel Storage Tanks/Residential:

One- and two-family dwellings	\$65.00
Multi-family buildings	Same as Commercial

Fuel Storage Tanks/Commercial:

Up to 999 gallons	\$65.00
1,000 to 2,999 gallons	\$90.00
3,000 to 4,999 gallons	\$165.00
Over 5,000 gallons	\$265.00

Gas/Oil appliances	\$75.00
Incinerators	\$300.00

Crematoriums	\$300.00
Flexible chimney pipe	\$75.00
(3) Schedule C: Plumbing Subcode Fees	
Installation/replacement:	
Each fixture or vent stack	\$25.00
Water heater:	
0 to 50 gallons	\$50.00
Over 50 gallons	\$100.00
Sewer connection(initial or replacement)	\$100.00
Gas-Burning Equipment, Installation and Conversion:	
Residential Buildings:	
1 to 3 families	\$50.00
4 to 60 families	\$100.00
61 to 160 families	\$150.00
161 families and up	\$200.00
Commercial Buildings:	
To 2,500 square feet of floor area	\$50.00
From 2,501 square feet to 5,000 square feet	\$100.00
From 5,001 square feet to 10,000 square feet	\$150.00
From 10,001 square feet to 20,000 square feet	\$200.00
From 20,001 square feet to 40,000 square feet	\$250.00

From 40,001 square feet to  
80,000 square feet \$300.00

All buildings greater than  
80,000 square feet \$350.00

Special Devices:

Grease traps, oil separators,  
utility service connections,  
refrigeration units, backflow  
preventers equipped with test  
ports (double check valve assembly,  
reduced pressure zone and pressure  
vacuum breaker backflow preventers),  
steam boilers, hot water boilers  
(excluding those for domestic water  
heating), active solar systems,  
sewer pumps and interceptors. \$100.00 each

Installation/Replacement:

Water Service/Gas Service \$100.00

Minimum Inspection Fee: \$65.00

(4) Schedule D: Electrical Subcode Fees

(a) Electrical fixtures and  
devices: receptacles, fixtures and  
devices, including smoke and heat  
detectors, alarm devices,  
communications outlets, light  
standards eight feet or less,  
emergency lights, exit lights, or  
similar electric fixtures and  
devices rated 20 amperes or less,  
including motors or equipment  
rated less than one horsepower or  
one kilowatt:

1 - 50 \$65.00

Each additional block up to 25 \$20.00

(b) Motors, electrical devices,  
transformers and generators:

[1] For each motor or electrical device rated from 1 hp or 1 kw; for each transformer or generator rated from 1 kw or 10 kva; for each replacement of wiring involving one branch circuit or part thereof; for each underwater lighting fixture; for each household electric cooling equipment rated up to 16 kw; for each security or burglar alarm control unit; for each receptacle rated from 30 amperes to 50 amperes; for each light standard greater than eight feet in height and for each communication closet: \$40.00

[2] For each motor or electrical device rated from greater than 10 hp or 10 kw to 50 hp or 50 kw and for each transformer or generator rated from greater than 10 kw or 10 kva to 45 kw or 45 kva; for electric signs rated from greater than 20 amperes to 225 amperes, including associated disconnecting means; for each receptacle rated greater than 50 amperes and for each utility load management device: \$65.00

[3] For each motor or electrical device rated from greater than 50 hp or 50 kw to 100 hp or 100 kw and for each transformer or generator rated from greater than 45 kw or 45 kva to 112.5 kw or 112.5 kva: \$150.00

[4] For each motor or electrical device rated greater than 100 hp or 100 kw and for each transformer or generator rated greater than 112.5 kw or 112.5 kva: \$500.00

(c) Service equipment, panel board, switchboard, switchgear, motor-

control center or disconnecting means:

0 to 200 amperes	\$80.00
201 to 400 amperes	\$120.00
401 to 800 amperes	\$150.00
801 to 1,200 amperes	\$300.00
1,201 to 1,600 amperes	\$450.00
Over 1,600 amperes	\$600.00

(d) Swimming pool bonding (permanently installed private pools): Outlets, feeders and motors (excluding panel boards and underwater lighting):

Above ground pools	\$75.00
In-ground pools	\$125.00

For photovoltaic systems, the fee shall be based on the designated kilowatt rating of the solar photovoltaic system as follows:

1 to 50 kilowatts	\$75.00
51 to 100 kilowatts	\$100.00

(e) Annual visual pool inspection: \$100.00

(f) Minimum electrical fee: \$65.00

[5] Schedule E: Elevator Subcode Fees: Fees shall be set as set forth and provided in N.J.A.C. 5:23-12.1 et seq., Subchapter 12, Elevator Safety Subcode, Uniform Construction Code of the State of New Jersey. Fees to be determined as such by the Elevator Subcode Official.

B. The Construction Official shall, with the advice of the subcode officials, prepare and submit to the governing body, biannually, a report recommending a fee schedule based upon the operating expenses of the agency, and any other expenses of the municipality fairly attributable to the enforcement of the State Uniform Construction Code Act. See N.J.S.A. 52:27D-119 et seq.

C. In order to provide the training, certification and technical support programs required by the Uniform Construction Code Act and the Regulations, the enforcing agency shall collect, in addition to the fees specified above, a surcharge fee of \$0.0006 per cubic foot of volume of new construction. The surcharge fee shall be remitted to the Bureau of Housing Inspection, Department of Community Affairs, on a quarterly basis for the fiscal quarters ending September 30, December 31, March 31 and June 30, and not later than one month next succeeding the end of the quarter for which it is due. In the fiscal year in which the Regulations first become effective, the fee shall be collected and remitted for the third and fourth quarters only. The enforcing agency shall report annually at the end of each fiscal year to the Bureau of Housing Inspection, and not later than July 31, the total amount of the surcharge fee collected in the fiscal year. In the fiscal year in which the Regulations first become effective, the report shall be for the third and fourth quarters only.

D. No person shall be charged a construction permit surcharge fee or enforcing agency fee for any construction, reconstruction, alteration or improvement designed and undertaken solely to promote accessibility by people with disabilities to an existing public or private structure or any of the facilities contained therein.

E. Hourly charges and fees for development-wide inspection of homes after issuance of a certificate of occupancy shall be in such amount as may be reasonable and

necessary in order to ascertain whether a violation exists or to verify that any work performed has abated the violation.

F. There shall be an additional fee of \$75.00 per hour per inspector for review of any amendment or change to a plan that has already been released.

Section 2. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

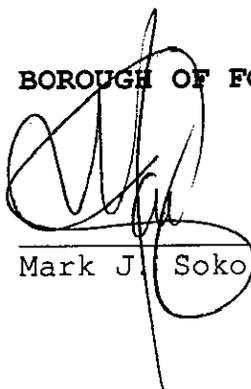
Section 3. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

**ATTEST:**

*Neil Grant*

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Neil Grant  
Borough Clerk

**BOROUGH OF FORT LEE**

  
\_\_\_\_\_  
Mark J. Sokolich, Mayor

Introduced	<u>J. CURVIERI</u>	Date of Introduction	<u>January 20, 2011</u>
Seconded	<u>A. PONAN</u>	Public Hearing	<u>February 10, 2011</u>
		Date of Adoption	<u>February 10, 2011</u>

BOROUGH OF FORT LEE

ORDINANCE # 2011-4

**AN ORDINANCE AMENDING SALARY ORDINANCE #2006-50  
PROVIDING SALARY FOR THE CHIEF OF POLICE IN THE BOROUGH  
OF FORT LEE**

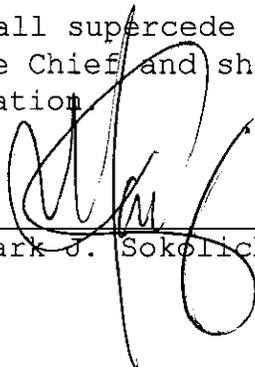
BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee, as follows:

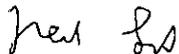
SECTION I: The Police Chief shall receive a salary during the period from January 1, 2011 through December 31, 2012, as set forth herein as follows:

	<u>2011</u> <u>Salary</u>	<u>2012</u> <u>Salary</u>
Police Chief	\$202,266	\$206,311

SECTION II: This Ordinance shall supercede any other salary ordinance established for the Police Chief and shall take effect immediately upon passage and publication.

Attest:

  
\_\_\_\_\_  
Mark J. Sokolich, Mayor



\_\_\_\_\_  
Neil Grant  
Borough Clerk

Introduced	J. CLAVIERI	Date of Introduction	January 20, 2011
Seconded	I. KASOFSKY	Public Hearing	February 10, 2011
		Date of Adoption	February 10, 2011

BOROUGH OF FORT LEE

ORDINANCE # 2011-5

**AN ORDINANCE AMENDING CHAPTER 90-2, POLICE DEPARTMENT, FORMATION AND RANK, OF THE CODE OF THE BOROUGH OF FORT LEE**

BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 90, Police Department, of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section 1. That Borough Ordinance § 90-2, **Formation and Rank**, shall be amended and supplemented and hence forth provide as follows:

A. The Police Department Table of Organization may consist of not more than the following positions at the sole discretion of the Mayor and Council:

1 Police Chief

4 Captains

8 Lieutenants

7 Sergeants

69 Police officers

B. In the event that position of Chief of Police is vacated as a result of death, illness, incapacity or any other reason, a *Police Captain* shall temporarily assume the position of Acting Chief of Police. In the event there is more than one *Captain*, the Chief shall be designated by the Mayor and Council.

C. The Chief of Police shall be the executive and supervisory officer of the Police Department and is responsible to the Police Committee for its proper functioning.

D. Officers of the Department shall rank in the order set forth above, and rank seniority shall be determined by date of advancement to that rank plus longevity as determined by the Administrative Code for Civil Service employees.

E. The senior ranking officer on duty on any shift shall be in charge of the Department during the shift unless relieved by an officer of higher rank, who shall thereupon sign an entry in the blotter to that effect.

Section 2. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

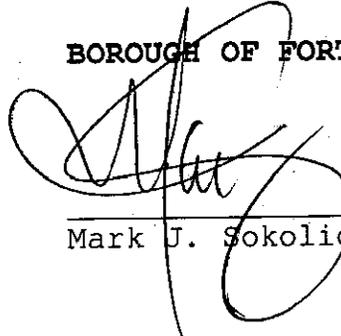
Section 3. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

**ATTEST:**

*Neil Grant*

\_\_\_\_\_  
Neil Grant  
Borough Clerk

**BOROUGH OF FORT LEE**



\_\_\_\_\_  
Mark J. Sokolich, Mayor

Introduced	<u>J. Cervino</u>	Date of Introduction	<u>January 20, 2011</u>
		Public Hearing	<u>February 10, 2011</u>
Seconded	<u>I. Kasceky</u>	Date of Adoption	<u>February 10, 2011</u>

BOROUGH OF FORT LEE

ORDINANCE # 2011-6

**AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 64 "HISTORIC SITE, STRUCTURE,  
CULTURAL AND LANDMARK COMMITTEE" SECTION  
64-2 "MEMBERS; COMPENSATION" OF THE CODE OF  
THE BOROUGH OF FORT LEE**

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Fort Lee, County of Bergen, State of New Jersey, being the governing body thereof, that Chapter 64 "Historic Site, Structure, Cultural and Landmark Committee", Section 64-2 "Members, compensation" of the Code of the Borough of Fort Lee be and is hereby amended and supplemented as set forth below:

**§ 64-2 Members; compensation.**

The Committee shall consist of 11 members appointed by the Mayor and the Mayor and Council of the Borough of Fort Lee, all of whom shall be residents of the Borough or business owners/executives of businesses located in Fort Lee, except that no more than three members shall be nonresidents and one member, the [then serving] Director of the Office of Cultural and Heritage Affairs of the Borough, shall be made a permanent member of the Committee. In addition, one of the eleven (11) members shall be a current Council member. Notwithstanding the eleven (11) members there shall also be a non-voting student member, appointed by the Mayor, who shall be a *high school student* in Fort Lee who shall serve a one year term commencing on July 1 of the year of appointment and ending June 30 of the following year. All members shall serve without compensation.

**BE IT FURTHER ORDAINED**, if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

**BE IT FURTHER ORDAINED**, any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

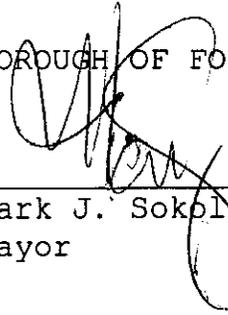
ATTEST:

*Neil Grant*

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Neil Grant  
Borough Clerk

BOROUGH OF FORT LEE



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Mark J. Sokolich  
Mayor

Introduced	<u>J. CERVELLE</u>	Date of Introduction	<u>January 20, 2011</u>
		Public Hearing	<u>February 10, 2011</u>
Seconded	<u>N. SUMNER</u>	Postponed to:	<u>March 10, 2011</u>
		Date of Adoption	<u>March 10, 2011</u>

BOROUGH OF FORT LEE

ORDINANCE # 2011-7

**AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 410 "ZONING" SECTION 410-49 "GENERAL  
REGULATIONS" SECTION (E) THE SIGN/FAÇADE  
REVIEW COMMITTEE OF THE CODE OF THE  
BOROUGH OF FORT LEE**

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Fort Lee, County of Bergen, State of New Jersey, being the governing body thereof, that Chapter 410 "Zoning", Section 410-49 "General regulations" of the Code of the Borough of Fort Lee be and is hereby amended and supplemented as set forth below:

**§ 410-49 General regulations.**

E. The Sign/Façade Review Committee is hereby recreated and reconstituted to act as an advisory committee appointed to review and provide recommendations to the Borough Construction Official, the Borough Planning Board and the Borough Zoning Board concerning sign, facade, and/or streetscape improvements in accordance with the standards set forth within this chapter.

- (1) Said committee shall consist of five members appointed by the Borough of Fort Lee Mayor and/or Mayor and Council, as indicated. Selection to the committee shall be limited to a combination of the following members:
  - (a) The Mayor or his designee;
  - (b) A Mayor's appointee;
  - (c) Three additional appointees nominated by the Mayor with the concurrence of the Council;
- (2) At least three of the committee members shall be residents of the Borough of Fort Lee and up to two members of the committee may be business owners in the Borough of Fort Lee.

(3) Upon the effective date of this Section, the Sign/ Façade Review Committee shall be reconstituted to provide for staggered terms of the members. All members shall immediately serve for a term of two years except for the following members:

- (a) The Mayor's designee, who shall sit on the Committee only in the absence of the Mayor, and his appointee, shall be appointed to a one year term annually by the Mayor;
- (b) One of the three members that are appointed in accordance with (1)(c) above, shall be specifically appointed to a one year term for the year 2011 and shall thereafter be appointed to a term of two years;

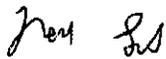
The committee members shall be held over until such time as the Mayor and Council hold their annual reorganization meeting, which shall be held no later than is allowed by law.

**BE IT FURTHER ORDAINED**, if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

**BE IT FURTHER ORDAINED**, any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

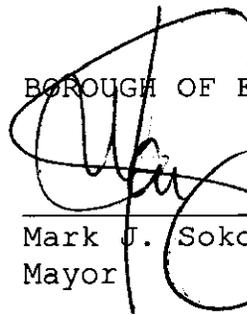
**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

ATTEST:



\_\_\_\_\_  
Neil Grant  
Borough Clerk

BOROUGH OF FORT LEE



\_\_\_\_\_  
Mark J. Sokolich  
Mayor

Introduced	<u>J. CLAVIER</u>	Date of Introduction	<u>February 10, 2011</u>
Seconded	<u>A. PENN</u>	Public Hearing	<u>March 10, 2011</u>
		Date of Adoption	<u>March 10, 2011</u>

BOROUGH OF FORT LEE

ORDINANCE # 2011-8

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTIONS 14 AND 69 OF THE CODE OF THE BOROUGH OF FORT LEE, ENTITLED "HANDICAPPED PARKING SPACES"**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE as follows:

**Section I:** Chapter 388, Section 69, Schedule XXIII, is hereby amended and supplemented so as to add the following as a handicapped parking space:

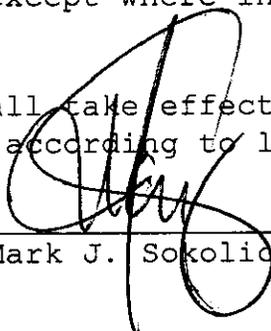
1. "388-69": Along the east curb line of Harvard Place, extending 80 feet south from the apex of its intersection with the south curb line of Route 5 and extending another 20 feet south.

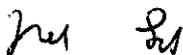
**Section II:** The provisions of this Ordinance are hereby declared to be severable; should any part, portion or provision hereof be declared invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

**Section III:** In the event on any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Fort Lee, the provisions hereof shall be deemed to govern. All other parts, portions, and provisions of Chapter 388 are hereby ratified and confirmed, except where inconsistent herewith.

**Section IV:** This Ordinance shall take effect immediately upon final passage and publications according to law.

ATTEST:

  
 \_\_\_\_\_  
 Mark J. Sokolich, Mayor



\_\_\_\_\_  
 Neil Grant, Borough Clerk

Introduced	<u>J. CURVIER</u>	Date of Introduction	<u>February 10, 2011</u>
Seconded	<u>A. POWAN</u>	Public Hearing	<u>March 10, 2011</u>
		Date of Adoption	<u>March 10, 2011</u>

BOROUGH OF FORT LEE

ORDINANCE# 2011-9

**CALENDAR YEAR 2011**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N. J. S. A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S.40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A.40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Fort Lee in the County of Bergen finds it advisable and necessary to increase its CY 2011 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 1.5% increase in the budget for said year, amounting to \$770,006.39 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years,

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Fort Lee, in the County of Bergen, a majority of

the full authorized membership of this governing body affirmatively concurring, that, in the CY 2011 budget year, the final appropriations of the Borough of Fort Lee shall, in accordance with this ordinance and N.J.S.A.40A:4-45.14, be increased by 1.50%, amounting to \$770,006.39, and that the CY 2011 municipal budget for the Borough of Fort Lee be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

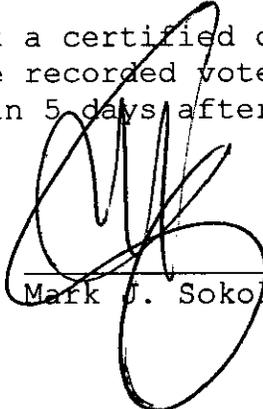
BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Attest:

*Neil Grant*

Neil Grant  
Borough Clerk

  
Mark J. Sokolich, Mayor

Introduced	<u>J. CLIMON</u>	Date of Introduction	<u>March 10, 2011</u>
Seconded	<u>N. SONNER</u>	Public Hearing	<u>April 14, 2011</u>
		Date of Adoption	<u>April 14, 2011</u>

BOROUGH OF FORT LEE

ORDINANCE # 2011-10

**AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 316 "PUBLIC RECORDS" SECTION 316-1  
"FEES" OF THE CODE OF THE BOROUGH OF FORT  
LEE**

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Fort Lee, County of Bergen, State of New Jersey, being the governing body thereof, that Chapter 316 "Public Records", Section 316-1 "Fees" of the Code of the Borough of Fort Lee be and is hereby amended and supplemented as set forth below:

§ 316-1 Fees.

A. All public records which are required by law to be made, maintained or kept on file by the Borough shall be available to every citizen during regular business hours to copy such records by hand, and they shall have the right to purchase copies of such records, pursuant to N.J.S.A. 47:1A-2. Copies of records shall be made available upon the payment of the following fees, which shall be based on the total number of pages, or parts thereof, to be purchased at a price of \$0.05 per letter size page or \$0.07 per page for legal sized copies.

B. In the event said public records are requested and necessitate the location and mailing of same to the party requesting said public records, then the additional fees therefor shall be as follows:

(1) Mailing charge: actual postage, plus \$0.25 for stationery-related expenses.

C. Police escort for the transportation of moneys, valuables or other personal property: \$5.00 per trip per hour or fraction thereof.

D. Writs of discovery:

(1) Seventy-five cents per page for the first 10 pages.

(2) Fifty cents per page for the next 10 pages.

(3) Twenty-five cents per page thereafter.

E. Video recordings/audio recordings. Fees for the purchase of police video recordings and/or audio recordings will be charged at the flat rate of \$1.00 each per video and/or audio recording.

An additional cost of mailing of any video and/or audio recordings via certified mail will be at a flat rate of \$6.00.

F. Requests for proposals, documentation and/or plans and specifications: fee not to exceed \$50 or the cost of reproducing the documentation, whichever is greater.

**G. Reserved:**

H. Reproduction costs. When the Borough does not have the ability to reproduce a document for a person requesting such document, the exact reproduction cost charged to the Borough will be passed on to the requestor with no other administrative charges added in.

I. Police accident reports. In the event that police accident reports are not requested in person and not part of Municipal Court discovery, copies of the reports shall be made available upon the payment of the following fees:

- (1) First three pages: \$5.
- (2) Each page thereafter: \$1.

J. CDs. In the event that a request is made for recordings of meetings of the Borough Council, Planning Board or Board of Adjustment, the Borough shall charge a fee of \$5.00 for a copy of the recording of the meeting in a CD format.

K. Special requests. Whenever the nature, format, manner of collation, or volume of a public record embodied in the form of printed matter to be inspected, examined, or copied pursuant to N.J.S.A. 47:1A-2 and this article is such that the record cannot be reproduced by ordinary document-copying equipment in ordinary business size or involves an extraordinary expenditure of time and effort to accommodate the request, the Borough may charge, in addition to the actual cost of duplicating the record, a special service charge that shall be reasonable and shall be based upon the actual direct cost of providing the copy or copies. The person requesting the public record shall have the opportunity to review and object to the charge prior to it being incurred.

L. Photographs. Fees for the purchase of police photographs will be charged at the following rates:

- (1) Up to the first 10 photographs: \$5 per photograph.
- (2) Each photograph thereafter: \$3 per photograph.

**BE IT FURTHER ORDAINED**, if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

**BE IT FURTHER ORDAINED**, any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

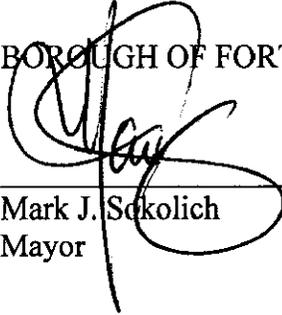
ATTEST:

*Neil Grant*

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Neil Grant  
Borough Clerk

BOROUGH OF FORT LEE



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Mark J. Skolich  
Mayor

Introduced	<u>A. PUGHAN</u>	Date of Introduction	<u>April 14, 2011</u>
Seconded	<u>W. SCHMIDT</u>	Public Hearing	<u>May 12, 2011</u>
		Date of Adoption	<u>May 12, 2011</u>

BOROUGH OF FORT LEE

ORDINANCE # 2011-11

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTIONS 14 AND 69 OF THE CODE OF THE BOROUGH OF FORT LEE, ENTITLED "HANDICAPPED PARKING SPACES"**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE as follows:

**Section I:** Chapter 388, Section 69, Schedule XXIII, is hereby amended and supplemented so as to add the following as a handicapped parking space:

1. "388-69": Along the north curb line of Warren Avenue, extending 69 feet east from the apex of its intersection with the east curb line of Abbott Boulevard and extending another 20 feet east.

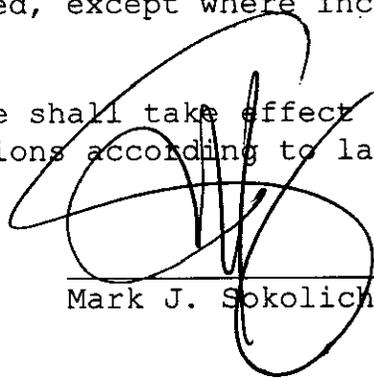
**Section II:** The provisions of this Ordinance are hereby declared to be severable; should any part, portion or provision hereof be declared invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

**Section III:** In the event on any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Fort Lee, the provisions hereof shall be deemed to govern. All other parts, portions, and provisions of Chapter 388 are hereby ratified and confirmed, except where inconsistent herewith.

**Section IV:** This Ordinance shall take effect immediately upon final passage and publications according to law.

ATTEST:

*Neil Grant*



Mark J. Sokolich, Mayor

Neil Grant, Borough Clerk

Introduced	<u>J. CERVIERI</u>	Date of Introduction	<u>May 12, 2011</u>
Seconded	<u>H. SUMNER</u>	Public Hearing	<u>June 9, 2011</u>
		Date of Adoption	<u>June 9, 2011</u>

BOROUGH OF FORT LEE

ORDINANCE # 2011-12

**AN ORDINANCE AMENDING CHAPTER 193, UNIFORM CONSTRUCTION CODES, SECTION 2, FEES, OF THE CODE OF THE BOROUGH OF FORT LEE**

**BE IT ORDAINED**, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 193, Uniform Construction Codes, Section 2, Fees, Paragraph A(5), Schedule E - Elevator Fees, of the Code of the Borough of Fort Lee, is hereby amended:

Section 1. That Borough Ordinance 193-2, Paragraph A(5), Schedule E - Elevator Fees, shall be amended and replaced with the following:

[5] Schedule E: Elevator Subcode Fees:

(a) The fees for witnessing acceptance tests and performing inspections on new and altered elevator devices shall be as follows:

1. The basis fees for elevator devices in structures not of Group R-3, R-4, or R-5, or in an exempted structure of Group R-2, shall be as follows:

- i. Traction and winding drum elevators:
  - (a) One to 10 floors \$306.00;
  - (b) Over 10 floors \$510.00;
- ii. Hydraulic elevators \$272.00;
- iii. Roped hydraulic elevators \$306.00;
- iv. Escalators, moving walks \$272.00;
- v. Dumbwaiters \$ 68.00;
- vi. Stairway chairlifts, inclined and vertical wheelchair lifts and

manlifts \$ 68.00.

2. Additional charges for devices equipped with the following features shall be as follows:

- i. Oil buffers (charge per oil buffer) \$ 54.00;
- ii. Counterweight governor and safeties \$136.00;
- iii. Auxiliary power generator \$102.00.

3. The fee for elevator devices in structures of Group R-3, R-4, or R-5, or otherwise exempt devices in structures of Group R-2, shall be \$204.00. This fee shall be waived when signed statements and supportive inspection and acceptance test reports are filed by an approved qualified agent or agency in accordance with N.J.A.C. 5:23-2.19 and 2.20.

4. The fee for performing inspections of minor work shall be \$68.00.

(b) The fees for routine and periodic tests and inspections for elevator devices in structures not of Group R-3, R-4, or R-5, or otherwise exempt devices in structures of Group R-2, shall be as follows:

1. The fee for the six-month routine inspection of elevator devices shall be as follows:

- i. Traction and winding drum elevators:
  - (a) One to 10 floors \$190.00;
  - (b) Over 10 floors \$244.00;
- ii. Hydraulic elevators \$136.00;
- iii. Roped hydraulic elevators \$190.00;
- iv. Escalators, moving walks \$190.00.

2. The fee for the one-year periodic inspection and witnessing of tests of elevator devices, which shall include a six-month routine inspection, shall be as follows:

- i. Traction and winding drum elevators:
  - (a) One to 10 floors \$272.00;
  - (b) Over 10 floors \$326.00;
- ii. Hydraulic elevators \$204.00;
- iii. Roped hydraulic elevators \$272.00;
- iv. Escalators, moving walks \$436.00;
- v. Dumbwaiters \$108.00;

vi. Manlifts, stairway chairlifts,  
inclined and vertical wheelchair  
lifts \$164.00.

3. Additional yearly periodic inspection charges for  
elevator devices equipped with the following features shall  
be as follows:

i. Oil buffers (charge per oil buffer) \$ 54.00;  
ii. Counterweight governor  
and safeties \$108.00;  
iii. Auxiliary power generator \$ 68.00.

4. The fee for the three-year or five-year  
inspection of elevator devices shall be as follows:

i. Traction and winding drum elevators:  
(1) One to 10 floors  
(five-year inspection) \$462.00;  
(2) Over 10 floors  
(five year inspection) \$582.00;  
ii. Hydraulic and roped hydraulic elevators:  
(1) Three year inspection \$340.00;  
(2) Five year inspection \$204.00.

(c) The fees set forth in (b) above shall be paid  
annually in accordance with the following schedule, which  
is based on the average of the fees to be collected over a  
five-year period:

1. Basic annual fee as follows:

i. Traction and winding drum elevators:  
(1) One to 10 floors \$504.00;  
(2) Over 10 floors \$612.00;  
ii. Hydraulic elevators \$368.00;  
iii. Roped hydraulic elevators \$408.00;  
iv. Escalators, moving walks \$626.00;  
v. Dumbwaiters \$108.00;  
vi. Stairway chairlifts, inclined and  
vertical wheelchair lifts,  
manlifts \$164.00.

2. Additional charges for devices equipped with the  
following features as follows:

i. Oil buffers

- (charge per oil buffer) \$ 54.00;
- ii. Counterweight governor and safeties \$108.00;
- iii. Auxiliary power generator \$ 68.00.

3. Annual fee for inspections at seasonal facilities shall be as follows:

- i. Traction and winding drum elevators:
  - (1) One to 10 floors \$310.00;
  - (2) Over 10 floors \$364.00;
- ii. Hydraulic elevators \$232.00;
- iii. Roped hydraulic elevators \$272.00;
- iv. Escalators, moving walks \$436.00;
- v. Dumbwaiters \$108.00;
- vi. Stairway chairlifts, inclined and vertical wheelchair lifts, manlifts \$164.00.

4. Additional charges for devices equipped with the following features as follows:

- i. Oil buffers (charge per oil buffer) \$ 54.00;
- ii. Counterweight governor and safeties \$108.00;
- iii. Auxiliary power generator \$ 68.00.

Section 2. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

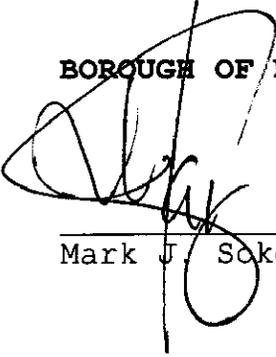
Section 3. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

**ATTEST:**

*Neil Grant*

\_\_\_\_\_  
Neil Grant  
Borough Clerk

**BOROUGH OF FORT LEE**

  
\_\_\_\_\_  
Mark J. Sokolich, Mayor

Introduced	<u>J. CURVIERI</u>	Date of Introduction	<u>June 9, 2011</u>
Seconded	<u>H. SCHWARTZ</u>	Public Hearing	<u>July 21, 2011</u>
		Date of Adoption	<u>July 21, 2011</u>

BOROUGH OF FORT LEE

ORDINANCE # 2011-13

**AN ORDINANCE AMENDING CHAPTER 289 PARKING, ARTICLE IV PARKING METERS, MUNICIPAL PARKING LOTS AND PERMIT PARKING, SECTION 15 PARKING METER ZONES ESTABLISHED; VIOLATIONS AND PENALTIES; OF THE CODE OF THE BOROUGH OF FORT LEE**

BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 289 Parking, Article IV Parking Meters, Municipal Parking Lots and Permit Parking, Section 15 Parking Meter Zones Established; Violations and Penalties; of the Code of the Borough of Fort Lee, are hereby amended as follows:

Section 1. That the current text of Borough Ordinance 289-15 Parking Meter Zones Established; violations and Penalties, Paragraph B, Sub-Paragraph (18) Edwin Avenue, is hereby amended to include the following:

(18) Edwin Avenue

(b) East and West Sides, Fletcher Avenue to Summit Avenue: 1 hour.

Section 3. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

Section 4. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

ATTEST:

Neil Grant  
Neil Grant, Borough Clerk

BOROUGH OF FORT LEE

Mark J. Sokolich  
Mark J. Sokolich, Mayor

Introduced	<u>J. CURVINS</u>	Date of Introduction	<u>June 9, 2011</u>
Seconded	<u>H. SOWMAN</u>	Public Hearing	<u>July 21, 2011</u>
		Date of Adoption	<u>July 21, 2011</u>

BOROUGH OF FORT LEE

ORDINANCE # 2011-14

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,928,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,832,075 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$1,928,500, including the aggregate sum of \$96,425 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,832,075 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
<b><u>a) Borough Clerk</u></b> The acquisition of office equipment for the Borough Clerk's Office, including all related costs and expenditures incidental thereto.	\$5,000	\$4,750	5 years
<b><u>b) Fire Prevention Bureau</u></b> The acquisition of sport utility vehicles for the Fire Prevention Bureau, including all related costs and expenditures incidental thereto.	\$70,000	\$66,500	5 years
<b><u>c) Emergency Management</u></b> The acquisition and installation of antennas for the Office of Emergency Management Building, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$1,500	\$1,425	10 years

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
<b><u>d) Cultural &amp; Heritage Affairs</u></b>			
The acquisition of equipment, including a photocopier for the Office of Cultural and Heritage Affairs, including all related costs and expenditures incidental thereto.	\$2,000	\$1,900	5 years
<b><u>e) Building Department</u></b>			
The acquisition of a sports utility vehicle for the Building Department, including all related costs and expenditures incidental thereto.	\$30,000	\$28,500	5 years
<b><u>f) Fire Department</u></b>			
(1)The acquisition of various equipment including safety equipment and gear, generators, gear racks, a vehicle exhaust system, a computer server, computers and software, and the acquisition of a sports utility vehicle, including all related costs and expenditures incidental thereto.	\$350,000	\$332,500	5 years

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
<b><u>g) Ambulance Corps</u></b>			
The acquisition of equipment, including stretchers for the Ambulance Corps, including all related costs and expenditures incidental thereto.	\$20,000	\$19,000	15 years
<b><u>h) Public Works</u></b>			
(1) Resurfacing and other repairs to storm damaged roads, including all work and materials necessary therefor and incidental thereto.	\$370,000	\$351,500	10 years
(2) The acquisition of a backhoe, including all related costs and expenditures incidental thereto.	\$130,000	\$123,500	15 years
<b><u>i) Community Center</u></b>			
The acquisition of equipment for the Community Center Stage, including all related costs and expenditures incidental thereto.	\$150,000	\$142,500	10 years

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
<b><u>j) Police Department</u></b>			
(1) The acquisition of dispatch, camera and scheduling systems, including all related costs and expenditures incidental thereto.	\$230,000	\$218,500	10 years
(2) The acquisition of furniture for the Police Department, including all related costs and expenditures incidental thereto.	\$20,000	\$19,000	5 years
<b><u>k) Administration</u></b>			
(1) Improvements to various buildings and Borough parks, including all work and materials necessary therefor and incidental thereto.	\$400,000	\$380,000	15 years
(2) The acquisition of computers, including all related costs and expenditures incidental thereto.	<u>\$150,000</u>	<u>\$142,500</u>	5 years
TOTALS	<u>\$1,928,500</u>	<u>\$1,832,075</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief

financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Borough may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 9.80 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local

Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,832,075, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$289,275 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

Section 7. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and

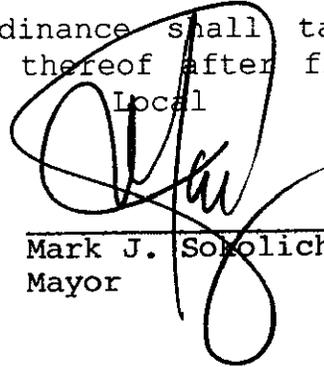
the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ATTEST:

*Neil Grant*

\_\_\_\_\_  
Neil Grant  
Borough Clerk

  
\_\_\_\_\_  
Mark J. Sobolich  
Mayor

- **Parcels with frontage along Jones Road: single-family residential dwellings.**

**SECTION 3. Section IV.D. LAND USE AND DEVELOPMENT PLAN — Specific Land Use Provisions for the Redevelopment Area — Supplemental Use Regulations for Parcels Developed for Hotel Use is hereby amended by deleting the provision in its entirety and replacing with the following:**

**Parking Garages**

- **One parking garage is permitted.**
- **The maximum height of a parking garage shall be five levels and 50 feet, excluding the portion of the garage planted and designed as a green roof.**
- **Parking garage structures shall be counted toward lot coverage but excluded from floor area ratio.**

**Number of Rooms and Ancillary Uses**

- **A hotel shall contain a minimum of 100 hotel rooms. The maximum number of hotel rooms shall be 275.**
- **Hotels may include such facilities as restaurants, dining room areas, bars, meeting rooms, conference rooms, banquet rooms, fitness centers, pools, and other accessory uses as are customarily part of a hotel development.**

**Existing Motel Building on a Temporary Basis**

- **An existing motel building not in excess of 100 rooms shall be permitted to operate for a period not to exceed 5 years from the date of adoption of this ordinance. If said building has not been removed by that time to accommodate a future phase of development, it shall be demolished forthwith and replaced with parking and/or landscaping subject to the review and approval of the Planning Board.**
- **The retention of the existing motel building and future phasing plan is to be included in the site plan submission and is subject to review and approval of the Planning Board.**
- **A new motel office structure not to exceed 300 square feet in area shall be permitted to service the motel on a temporary basis. Said structure shall be set back a minimum of 150 feet from the front property line and a minimum 20 feet from any side or rear property line.**

**SECTION 4. Section IV.D. LAND USE AND DEVELOPMENT PLAN — Specific Land Use Provisions for the Redevelopment Area — Bulk Standards is hereby amended by deleting the provision in its entirety and replacing with the following:**

**Bulk Standards**

**Bulk standards shall be according to the following criteria. The bulk standards provided herein regulate the building envelope and shall supersede all bulk, density, area and height provisions of the Borough of Fort Lee Zoning Ordinance.**

**SECTION 5. Section IV.D. LAND USE AND DEVELOPMENT PLAN – Specific Land Use Provisions for the Redevelopment Area – Area and Bulk Regulations: Lot Development is hereby amended by deleting the provision in its entirety and replacing with the following:**

**Hotels**

<b>Bulk Criteria</b>	<b>Requirement</b>
Minimum Lot Area:	1 acre
Minimum Lot Frontage:	200 feet
Minimum Lot Width:	200 feet
Minimum Lot Depth:	200 feet
Minimum Front Yard Setback:	25 feet
Minimum Side Yard Setback:	10 feet*
Minimum Rear Yard Setback for Hotel Building:	25 feet*
Minimum Rear Yard Setback for Parking Garage:	5 feet
Maximum Lot Coverage:	60 percent
Maximum Improved Lot Coverage:	85 percent
Maximum Building Height:	10 stories/120 feet
Maximum Floor Area Ratio:	2.0

\*An existing motel building that is to be retained on a temporary basis shall not be subject to the referenced setback standards.

**SECTION 6. Sec. IV.D. LAND USE AND DEVELOPMENT PLAN – Specific Land Use Provisions for the Redevelopment Area – Building Design Standards for Existing Buildings to be Renovated for Hotel Use is hereby amended by deleting the provision in its entirety.**

Attest:

*Neil Grant*

Neil Grant  
Borough Clerk

*Armand P. Phan*  
Council President

Introduced	<u>J. CLAVIUM</u>	Date of Introduction	<u>July 21, 2011</u>
Seconded	<u>I. KASATSKY</u>	Public Hearing	<u>August 18, 2011</u>
		Date of Adoption	<u>August 18, 2011</u>

BOROUGH OF FORT LEE

ORDINANCE # 2011-16

**ORDINANCE OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY APPROPRIATING A \$155,100 GRANT FROM THE U.S. DEPARTMENT OF ENERGY FOR THE PREPARATION AND IMPLEMENTATION OF AN ENERGY EFFICIENCY STRATEGY**

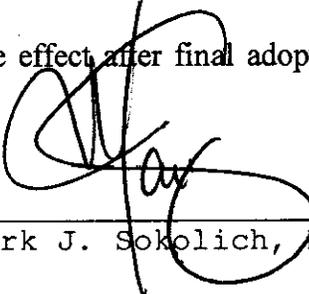
BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY AS FOLLOWS:

Section 1. \$155,100 is hereby appropriated, all of which will be funded by a grant from the U.S. Department of Energy, for the preparation and implementation of an energy efficiency strategy for the Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough").

Section 2. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 3. This ordinance shall take effect after final adoption and publication and otherwise as provided by law.

Attest:

  
 \_\_\_\_\_  
 Mark J. Sokolich, Mayor

  
 \_\_\_\_\_  
 Neil Grant  
 Borough Clerk

Introduced	<u>J. Cervieri</u>	Date of Introduction	<u>July 21, 2011</u>
		Public Hearing	<u>August 18, 2011</u>
Seconded	<u>H. Schuler</u>	Date of Adoption	<u>August 18, 2011</u>

BOROUGH OF FORT LEE

ORDINANCE # 2011-17

**AN ORDINANCE AMENDING CHAPTER 216 FIRE PREVENTION,  
ARTICLE 1, ADOPTION OF STANDARDS, SECTION 6 AMENDMENTS  
TO FIRE PREVENTION CODE OF AMERICAN INSURANCE COMPANY,  
OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF  
FORT LEE**

**BE IT ORDAINED**, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 216 Fire Prevention, Article I Adoption of Standards, Section 6 Amendments to Fire Prevention Code of American Insurance Company, of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section 1. That the current text of Borough Ordinance 216-6 Amendments to Fire Prevention Code of American Insurance Company, Sub-section 38, shall hereby be amended and replaced with the following:

(38) "The Bureau of Fire Prevention and the Police Department of the Borough shall have concurrent jurisdiction to enforce the provisions of this Article I. Building Department sub-code officials and Code Enforcement Officers shall also have enforcement authority for Sub-sections (35) and (36) of this Section 6."

Section 2. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

Section 3. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

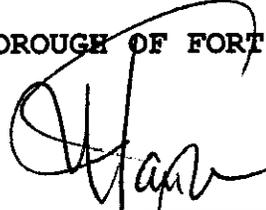
**ATTEST:**

*Neil Grant*

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Neil Grant  
Borough Clerk

**BOROUGE OF FORT LEE**



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Mark J. Sokolich, Mayor

Introduced	<u>A. PONAN</u>	Date of Introduction	<u>September 22, 2011</u>
Seconded	<u>M. SARGENT</u>	Public Hearing	<u>October 13, 2011</u>
		Cancelled to:	<u>November 10, 2011</u>
		Date of Adoption	<u>November 10, 2011</u>

BOROUGH OF FORT LEE

ORDINANCE # 2011-18

**REFUNDING BOND ORDINANCE OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF CERTAIN GENERAL OBLIGATION BONDS, SERIES 2004 OF THE BOROUGH, APPROPRIATING \$7,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE BY THE BOROUGH OF REFUNDING BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$7,500,000 FOR FINANCING THE COST THEREOF.**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough") is hereby authorized to refund all or a portion of the \$6,415,000 outstanding principal amount of its General Obligation Bonds, Series 2004, dated July 15, 2004, originally issued in the aggregate principal amount of \$12,815,000, which amount matures on July 15 in the years 2014 through 2019, inclusive (the "Refunded Bonds"), and which are subject to redemption on or after July 15, 2013 at the option of the Borough at a redemption price of 101% of the principal amount of the Refunded Bonds to be redeemed.

Section 2. In order to finance the cost of the purpose described in Section 1 hereof and the costs of issuance associated therewith, negotiable refunding bonds are hereby authorized to be issued in one or more series in the aggregate principal amount not exceeding \$7,500,000 (the "Refunding Bonds") pursuant to the Local Bond Law of the State of New Jersey.

Section 3. An aggregate amount not exceeding \$120,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of Refunding Bonds authorized herein.

Section 4. The Borough desires to provide for all or a portion of the principal amount of the Refunded Bonds outstanding and the interest and redemption premium, if any, thereon in order to provide for savings in debt service as a result of lower interest rates in the bond markets.

Section 5. The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough is increased by the authorization of the Refunding Bonds provided in this refunding bond ordinance by \$7,500,000, and that an amount representing the principal amount of the Refunded Bonds equal to \$6,415,000 will be deductible from gross debt. The obligations authorized herein will be within all debt limitations prescribed by that law.

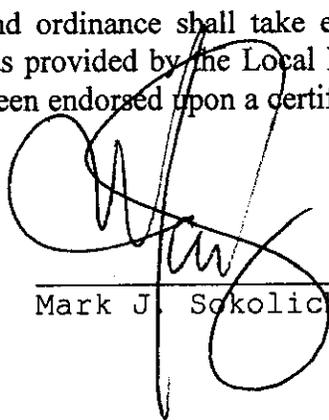
Section 6. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption.

Section 7. This refunding bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted.

Attest:

*Neil Grant*

\_\_\_\_\_  
Neil Grant  
Borough Clerk

  
\_\_\_\_\_  
Mark J. Sokolich, Mayor

Introduced	<u>J. GOLDBERG</u>	Date of Introduction	<u>November 10, 2011</u>
Seconded	<u>N. SUMNER</u>	Public Hearing	<u>December 15, 2011</u>
		Date of Adoption	<u>December 15, 2011</u>

BOROUGH OF FORT LEE

ORDINANCE # 2011-19

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTIONS 14 AND 69 OF THE CODE OF THE BOROUGH OF FORT LEE, ENTITLED "HANDICAPPED PARKING SPACES"**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE as follows:

**Section I:** Chapter 388, Section 69, Schedule XXIII, is hereby amended and supplemented so as to add the following as a handicapped parking space:

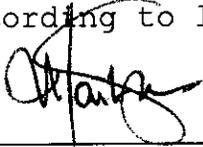
1. "388-69": Along the north curb line of Tremont Avenue, extending 42 feet east from the apex of the east curb line of Anderson Avenue and extending another 20 feet east.

**Section II:** The provisions of this Ordinance are hereby declared to be severable; should any part, portion or provision hereof be declared invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

**Section III:** In the event on any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Fort Lee, the provisions hereof shall be deemed to govern. All other parts, portions, and provisions of Chapter 388 are hereby ratified and confirmed, except where inconsistent herewith.

**Section IV:** This Ordinance shall take effect immediately upon final passage and publications according to law.

ATTEST:

  
 \_\_\_\_\_  
 Mark J. Sokolich, Mayor

  
 \_\_\_\_\_  
 Neil Grant, Borough Clerk

Introduced	<u>M. SONMLA</u>	Date of Introduction	<u>November 10, 2011</u>
Seconded	<u>A. POWAN</u>	Public Hearing	<u>December 15, 2011</u>
		Date of Adoption	<u>December 15, 2011</u>

BOROUGH OF FORT LEE

ORDINANCE # 2011-20

**AN ORDINANCE AMENDING CHAPTER 388, SECTION 43, SCHEDULE I OF THE CODE OF THE BOROUGH OF FORT LEE, ENTITLED "NO PARKING" ON BRIAR WAY**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE, AS FOLLOWS:

**Section I.** Chapter 388, Section 43, Schedule I, entitled "No Parking," be and the same is hereby amended as follows by **deleting** the following section:

	<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
a.	Briar Way	East	Beginning from a point 128 feet south of the curbline of Bridle Way to a point 161 feet south of the curbline of Bridle Way

**Section II.** All other parts, portions and provisions of Chapter 388 of the Code of the Borough of Fort Lee not inconsistent with the terms hereof be and the same are hereby ratified and confirmed. In the event of any inconsistency, the terms and provisions hereof shall govern.

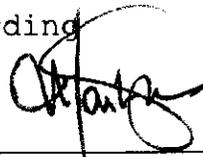
**Section III.** The terms of this ordinance are hereby declared to be severable; should any part, portion or provision be deemed invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

**Section IV.** This ordinance shall take effect immediately upon final passage and publication according

ATTEST:

Neil Grant

Neil Grant, Borough Clerk



Mark J. Sokolich, Mayor

Introduced	<u>A. POKAN</u>	Date of Introduction	<u>November 10, 2011</u>
Seconded	<u>H. SUMNER</u>	Public Hearing	<u>December 15, 2011</u>
		Date of Adoption	<u>December 15, 2011</u>

BOROUGH OF FORT LEE  
ORDINANCE # 2011-21

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$375,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$356,250 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$375,000, including the aggregate sum of \$18,750 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$356,250 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) 12 <sup>th</sup> Street pump station improvements, including all work and materials necessary therefor and incidental thereto.	\$150,000	\$142,500	30 years
b) ADA ramp improvements throughout various locations, including all work and materials necessary therefor and incidental thereto.	<u>\$225,000</u>	<u>\$213,750</u>	15 years
TOTALS	<u>\$375,000</u>	<u>\$356,250</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Borough may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 21 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$356,250, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$75,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

Section 7. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

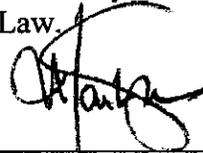
Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to

comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Attest:



\_\_\_\_\_  
Mark J. Sokolich, Mayor



\_\_\_\_\_  
Neil Grant, Borough Clerk

Introduced	<u>A. POWAN</u>	Date of Introduction	<u>November 10, 2011</u>
Seconded	<u>H. SOMMER</u>	Public Hearing	<u>December 15, 2011</u>
		Date of Adoption	<u>December 15, 2011</u>

BOROUGH OF FORT LEE

ORDINANCE # 2011- 22

**AN ORDINANCE AMENDING CHAPTER 372 TAXICABS AND LIMOUSINES, ARTICLE 1, TAXICABS, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE**

**BE IT ORDAINED**, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 372 Taxicabs and Limousines, Article I Taxicabs, of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section 1. That the current text of Borough Ordinance 372-5 Taxicab owner's licenses limited. [Amended 10-27-2005 by Ord. No. 2005-38], shall hereby be amended and replaced with the following:

A. "The total number of taxicab owner's licenses that may be issued and outstanding at any one time is hereby fixed at eight."

B. "If the Borough Clerk determines that one or more licenses are available for issuance, notice will be published stating the number of new or additional licenses to be authorized, the application period and a specific time and date at which no further licenses will be accepted. The notice must be published at least twice and at least one week apart. The second notice must be published at least 30 days prior to the deadline of issuance."

Section 2. That the current text of Borough Ordinance 372-10 Fingerprinting required, shall hereby be amended and replaced with the following:

"§ 372-10. Fingerprinting and background check required.

A. "Each applicant for a taxicab driver's license shall be fingerprinted by the Police Department of the Borough of Fort Lee, which fingerprints shall thereupon become the property of the Borough and be retained with the application form."

B. "Each operator or driver of a licensed taxicab must submit to the performance of a criminal history record background check. The cost for the criminal history background check, including all costs of administering and processing the check, shall be borne by the operator or driver of the taxicab."

C. "The operator or driver shall be disqualified from operating or driving a taxicab if the criminal history background check reveals a record of conviction of any of the following crimes: aggravated assault; arson; burglary; escape; extortion; homicide; kidnapping; robbery; aggravated sexual assault; sexual assault; endangering the welfare of a child pursuant to N.J.S.A. 2C:24-4; a crime pursuant to N.J.S.A. 2C:39-3, 2C:39-4 or 2C:39-9; or other than a disorderly persons or petty disorderly persons offence for the unlawful use, possession or sale of a controlled substance as defined in N.J.S.A. 2C-35-2."

D. "If a person who has been convicted of one of the crimes enumerated in Sub-section C above can produce a certificate of rehabilitation issued pursuant to N.J.S.A. 2A:168A-8 or, if the criminal offense occurred outside New Jersey, an equivalent certificate from the jurisdiction where the offense occurred, the criminal offense shall not disqualify the applicant from operating or driving a taxicab."

Section 3. That the current text of Borough Ordinance 372-12 Insurance required for owner's license. [Amended 10-26-2006 by Ord. No. 2006-56], shall hereby be amended and replaced with the following:

A. "Every applicant for a taxicab owner's license shall submit the insurance policy or bond required by N.J.S.A. 48:16-3 and 48:16-4. If submitting an insurance policy, the policy shall be from an admitted insurance company duly licensed to transact business under the insurance laws of this State or a company registered to do

business in this State. The policy must provide for not less than \$35,000 of motor vehicle liability insurance coverage or the amount of motor vehicle liability insurance coverage required pursuant to N.J.S.A. 39:6B-1, whichever is greater; to satisfy all claims for damages, by reason of bodily injury to, or the death of any person, resulting from or on account of an accident, by reason of the ownership, operation, maintenance, or use of such taxicab upon any public street; and to satisfy any claim for damages to property of any person or persons resulting from, or on account of, an accident by reason of the ownership, operation, maintenance, or use of such taxicab upon any public street. The owner of a taxicab may, at their discretion obtain additional motor vehicle liability coverage from a company licensed outside of the State."

Section 4. That the current text of Borough Ordinance 372-22 Equipment requirements. [Amended 10-27-2005 by Ord. No. 2005-38], shall hereby be amended and replaced with the following:

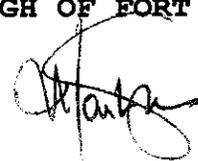
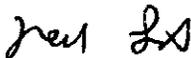
L. "Every taxicab shall display on the body of the vehicle their taxicab licenses number along with each municipality that has issues a taxicab license to that taxicab. The information shall be three inches in height and must be located on the center rear quarter panel on the driver and passenger side as well as the rear center line of the trunk. The list of each municipality shall be displayed on each rear door."

Section 5. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

Section 6. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

**ATTEST:**

**BOROUGH OF FORT LEE**



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Neil Grant  
Borough Clerk

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Mark J. Sokolich, Mayor

Introduced	<u>H. SONMER</u>	Date of Introduction	<u>November 10, 2011</u>
Seconded	<u>A. PENNAN</u>	Public Hearing	<u>December 15, 2011</u>
		Date of Adoption	<u>December 15, 2011</u>

BOROUGH OF FORT LEE

ORDINANCE # 2011-23

**AN ORDINANCE AMENDING CHAPTER 289 PARKING, ARTICLE IV PARKING METERS, MUNICIPAL PARKING LOTS AND PERMIT PARKING, SECTION 36 RESIDENTIAL PERMIT PARKING, OF THE CODE OF THE BOROUGH OF FORT LEE**

BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 289 Parking, Article IV Parking Meters, Municipal Parking Lots and Permit Parking, Section 36 Residential Permit Parking, is hereby amended as follows:

Section 1. That the current text of Borough Ordinance 289-36 Residential Permit Parking, Paragraph M, "Resident Permit Parking Only" Streets Designated, is hereby replaced with the following:

All streets in the Borough are hereby designated as "resident permit parking only" streets, in accordance with the terms and provisions of this Section 289-36.

Section 2. That the schedule entitled "Borough of Fort Lee Schedule of Resident Permit Parking Only" is hereby deleted to reflect the designation in Section 1 above of all streets in the Borough as "resident permit parking only."

Section 3. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

Section 4. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

**ATTEST:**

**BOROUGH OF FORT LEE**

*Neil Grant*

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Neil Grant  
Borough Clerk



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Mark Sokolich, Mayor

Introduced	<u>N. SUMNER</u>	Date of Introduction	<u>November 10, 2011</u>
Seconded	<u>I. KASCHKY</u>	Public Hearing	<u>December 15, 2011</u>
		Tabled:	<u>December 15, 2011</u>
		Date of Adoption	<u></u>

BOROUGH OF FORT LEE

ORDINANCE # 2011-24

**AN ORDINANCE AMENDING AND  
SUPPLEMENTING CHAPTER 410 "ZONING"  
SECTION 410-49 "GENERAL REGULATIONS" OF  
THE CODE OF THE BOROUGH OF FORT LEE**

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen, State of New Jersey, being the governing body thereof, that Chapter 410 "Zoning", Section 410-51 "Rules and Regulations" of the Code of the Borough of Fort Lee be and is hereby amended and supplemented as set forth below:

**Article XII. Signage and Facades**

**§ 410-51. Rules and regulations.**

A. Computation of sign area and sign height. The following principles shall control the computation of sign area and height:

- (1) Computation of area of individual signs. The area of a sign face shall be computed by measuring the total area of the space utilized for sign purposes including the spaces between all letters, figures, numbers, images or symbols. Where a sign frame and any material or color forming an integral part of the background of the sign display is used as a backdrop against the structure in which it is placed, sign area shall be measured to the extreme limits of the sign frame or backdrop. Sign area shall also include the ground structure or any decoration which is an integral part of the sign, but excluding supports.
- (2) Computation of area of multifaced signs. The sign area for any double-faced sign shall be computed based on one face only, except in the case of a double-faced sign with unequal sides, in which the area of the larger side shall be used to determine sign area.
- (3) Computation of height. The height of a sign shall be computed as the distance from the base of the sign at grade to the top of the highest attached component of the sign. Grade shall be construed to be the newly established grade after construction.

B. Prohibited signs generally. No person shall construct, erect, locate, use or maintain any of the following signs within any zone district of the Borough, except as otherwise permitted elsewhere in this chapter, or unless the sign has been certified to be a legal nonconforming sign by the Construction Official or has obtained a variance for such sign:

- (1) Any new sign erected in violation of any section of this chapter. Any sign not specifically permitted is hereby prohibited.
- (2) Signs emitting a sound, odor or visible matter such as smoke or vapor. No sign erected shall contain audio equipment.
- (3) Exterior use of advertising devices such as banners, streamers, pennants, flags, and balloons, lights (whether flashing, flickering, blinking, or rotating), wind-operated devices and any other type of fluttering or flashing devices or emitting an unsteady or glaring light.
- (4) Signs placed or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property. However, this is not in any way intended to prohibit signs placed on or affixed to vehicles and trailers, such as permanent lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer.
- (5) Animated signs and mechanical contrivances. No sign erected shall contain flashers, animators or mechanical movement or contrivances of any kind, including clocks and time and weather information.
- (6) Paper posters and painted signs applied directly to a tree, rock or natural feature of any kind or to a wall of a building, fence or pole or other support.
- (7) Signs painted or otherwise affixed on the inside or outside of automobile windows except for pricing information associated with the sale of new and used cars and only when such vehicles are located on the premises of an establishment which has been approved for such use.
- (8) Portable or movable signs, such as sandwich board signs, except portable signs utilized by restaurants to indicate valet service.
- (9) Signs advertising an article or product not manufactured, assembled, processed, repaired, serviced or sold upon the premises upon which the sign is located.
- (10) Revolving signs of any type, including searchlights.
- (11) Neon signs **of any type other than specifically set forth in this (Amended) Ordinance, of any kind**, whether located on the exterior or interior of a wall or window if visible from the street upon which the premises fronts.

- (12) Signs on parking lot light standards not relating to traffic control.
- (13) Signs within the public street right-of-way (other than public notices and unless otherwise allowed in this chapter).
- (14) Signs that are in such a state of disrepair as to constitute an immediate threat to the public health, welfare and safety.
- (15) Business signs for businesses which are discontinued for a period in excess of 30 days.
- (16) Signs or other advertising structures, as regulated by this chapter, erected at the intersection of any streets in such a manner as to obstruct free and clear vision, or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, cause optical illusion or be confused with any authorized traffic sign, signal or device, or which makes use of words, phrases, symbols, or characters in such manner as to interfere with, mislead or confuse traffic.
- (17) Roof signs.
- (18) Any sign not in compliance with the Borough Building or Electrical Codes, as amended, as to design, structural members and connections.
- (19) Pole signs, except as otherwise provided for in this chapter.
- (20) Electronic message centers, including signs used to display time and weather information.
- (21) Billboard or billboard signs, except in the C-5 Zone.
- (22) Any sign located or displayed upon any sidewalk or street or area between the sidewalk and curb or projecting on or over a sidewalk or street, except as provided in this chapter.
- (23) Signs erected or painted or composed of day-glow or phosphorescent or similar material.
- (24) Hand-lettered interior window signs.
- (25) Exhibiting statements, words, pictures or images of an obscene or pornographic nature.
- (26) Signs attached to, projecting from or hanging underneath a building eave.
- (27) Any changeable-copy sign, except for gasoline service station price signs permitted by the ordinance, that are designed to allow the sign copy to be changed or altered without undertaking a physical alteration to the sign (such as changing sign panels or repainting the sign), i.e., through the use of movable letters, electronic displays,

interchangeable parts or other means. Changeable copy does not include copy pertaining to the business, occupation, or tenant advertised or identified.

C. Standards generally.

(1) No sign may be erected or maintained so as to obstruct free ingress or egress to building openings, driveways, sidewalks or other passageways.

(2) All signage shall be limited to a maximum of three colors.

(3) **Phone numbers shall be allowed on windows. Phone numbers on awnings shall remain allowed, however windows shall be the preferred placement. No signage shall include phone numbers, unless the commercial business on which it is located includes a delivery business.**

(4) Illumination.

(a) No sign shall be illuminated except as provided herein.

(b) All light shall be designated to minimize glare, and light levels off site from sign lights shall be less than 0.1 footcandle.

(c) Flashing signs, highly reflective glass or fluorescent paint (red or green) and illuminated tubing outlining roofs, doors, windows or wall edges of a building are prohibited.

(d) Any light box sign or lit awning is subject to the following limitations:

[1] Only the letters and symbols may be illuminated.

[2] An opaque background must set off the illuminated sections

[3] The letters, logos and symbols may take up a maximum of 40% of the sign area, leaving 60% opaque.

(e) Any permitted sign may be illuminated 1/2 hour before and after closing. No sign within 150 feet of any residential zone shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m. unless the business is open during these hours.

(f) The Borough of Fort Lee encourages illumination of signs from external sources, provided glare is minimized. Wherever it is impractical to provide such a source of illumination, and only as specifically permitted by this chapter, internally illuminated signs may be permitted. Light sources from internally illuminated signs shall not be visible from outside the sign, and the light from the light source shall be diffused to eliminate hot spots. Light sources shall be protected from damage. Light levels at property lines shall be less than 0.1 footcandle.

(g) ~~Permitted use of neon signs [Direction to be Provided by Governing Body]~~

~~—[1] Multi-colored neon signs may be located or displayed on an inside wall (including inside windows) and be visible to the street, but same shall not exceed in total, 15% of the window surface area visible from the street.~~

- (5) Every sign in the Borough, including signs exempted from obtaining a sign permit, shall be maintained in good repair and good structural condition at all times, including painted or otherwise finished surfaces, as well as all parts and supports which must be maintained in their design condition and position. Broken parts of signs must be replaced or repaired within 15 days of notification by the Construction Official and in such a manner as to maintain the appearance and structure of the sign as it was approved for installation.
- (6) The Construction Official shall have the authority to order the painting, repair, alteration or removal of signs which have not been properly maintained or repaired or which have become dilapidated or are abandoned or which constitute a hazard to public safety.
- (7) Signs of an obscene or pornographic nature shall be unlawful. The Construction Official shall order the immediate removal of such signs.
- (8) No permanent signage, other than allowable temporary window signs, shall be constructed of paper, nylon, fabric or any other type of nondurable material, except awning signs, as permitted in § 410-51E(6).

**[Amended 10-8-2009 by Ord. No. 2009-32]**

D. Signs in residential zone districts.

- (1) The following signs are allowable in residential zoning districts:
  - (a) Signs relative to the sale, lease or rental of property. A maximum of one sign not exceeding six square feet in outline area per facing for single- or two-family residences or 10 square feet in outline area per facing for other uses. No sign shall exceed five feet in height from grade to the highest point on the sign. Such signs shall be removed within 48 hours of completion of the sale, lease or rental of the property. This includes the posting of such property as sold, leased or rented. Signage advertising an open house for the sale, lease or rental of property may be erected three hours prior to the event and shall be removed at the conclusion of the event.

**[Amended 9-25-2008 by Ord. No. 2008-42]**

- (b) Institutional signs and other signs for churches, schools, fraternal organizations and other nonprofit organizations are subject to § 410-51F(5).
- (c) Construction information signs.

[1] One construction information sign not to exceed 24 square feet in outline area per facing. The maximum height of such signage shall not exceed 15 feet in height above the average existing finished grade elevation of the sign or the elevation of the adjacent street, whichever is higher. Such signage shall be removed within 30 days after the last lot or building is sold within the development.

(d) Political signs. See § 410-51G(1).

(e) Residential subdivision identification signs. One permanent subdivision identification sign not exceeding 24 square feet in size per face, inclusive of any logo, shall be allowed per development. Where the development has access on two or more streets or has more than one entrance on one street, identification shall be allowed at each entrance. Subdivision identification signs shall not exceed eight feet above the adjacent ground surface.

(f) Multifamily identification signs. One sign not more than one square foot for each 10 linear feet of street frontage, but in no case to exceed 32 square feet in size per face shall be allowed per multifamily development project except where the project fronts on two or more streets. One sign shall be permitted on each frontage, provided that the project has a major traffic entrance on the street where the sign is to be erected. Multifamily identification signs shall not exceed eight feet above grade.

(g) Temporary residential garage sale signs not to exceed six square feet in area nor a height in excess of five feet from the ground and located upon the premises where the sale is taking place, only after issuance of a permit allowing such garage sale. Such sign shall only be displayed for one week prior to such sale and shall be removed within 24 hours after the sale is closed.

(h) Special displays. Such displays shall not exceed 32 square feet and shall be used for holidays or promotion of civil welfare or charitable purposes.

(i) Signs for home occupations or home professional offices. See § 410-51F(4).

#### E. Signs in nonresidential zone districts.

(1) Wall signs. Wall signs are permitted for all business, office, industrial or commercial establishments.

(a) Wall-mounted signs for establishments with a single tenant shall comply with the following:

**[Amended 10-8-2009 by Ord. No. 2009-32]**

[1] Signs fronting or facing any street on which the speed limit is less than 50 miles per hour shall include the following:

- [a] One wall sign may be placed along the street frontage, provided it does not exceed 10% of the total surface area of the building face upon which it is placed or 32 square feet, whichever is less.
  - [b] Lowercase letters and numbers no greater than eight inches in height, except for letters b, d, f, g, h, i, j, k, l, p, q, t and y, which may reach a maximum height of 10 inches in height.
  - [c] Capital letters no greater than 10 inches in height.
  - [d] Symbols, logos, or other images no greater than 12 inches in height.
- [2] Signs fronting or facing any street on which the speed limit is 50 miles per hour or greater shall include the following:
- [a] One wall sign may be placed along the street frontage, provided it does not exceed 10% of the total surface area of the building face upon which it is placed or 64 square feet, whichever is less.
  - [b] Lowercase letters and numbers no greater than 16 inches in height, except for letters b, d, f, g, h, i, j, k, l, p, q, t and y, which may reach a maximum height of 18 inches in height.
  - [c] Capital letters no greater than 18 inches in height.
  - [d] Symbols, logos or other images no greater than 24 inches in height.
- [3] In those cases where a parcel or lot has more than one street frontage, one wall sign may be placed on each street frontage, provided such wall sign shall not exceed 10% of the total surface area of the building face upon which it is placed or 24 square feet, whichever is less. The height of all sign letters, numbers or symbols shall abide by the standards described in § 410-51E(1)(a)[1] and [2].
- [4] Wall signs **shall only be permitted above the first floor, story or level of a structure and shall be face-mounted or pin-mounted on the building/structure, projecting not more than 14 inches from the face of the building** ~~nor above the first floor of the building.~~ Such signs shall not project above the parapet wall, mansard or other roofline and shall be located so as not to create a safety or traffic hazard.
- [5] No establishment containing an awning sign shall be permitted to have a wall sign.
- (b) Wall-mounted signs for buildings or establishments with multiple tenants shall comply with the following:

- [1] For buildings and property containing more than one business or tenant, and where each business tenant occupies a physically distinct ground floor space or has a separate ground floor entrance, each business or tenant may have one wall sign conforming to the requirements of this section. For the purposes of determining the sign area permitted, only the face of each respective lease unit to which the respective sign will be attached shall be counted. Each sign must be attached to the leased unit containing the business tenant identified.
- [2] Signs attached to the same building must be of the same size, shape, color and height.

**[Amended 9-25-2008 by Ord. No. 2008-42]**

(c) General standards for wall signs.

- [1] Wall signs may be pin-mounted or printed onto the facade onto a wood, metal or opaque glass panel that is mounted flat and horizontally within or just above the enframed facade opening. Signs should not extend beyond the width of the storefront opening.
- [2] Signs affixed to the ground-level facade should be architecturally compatible with the style, composition, materials, colors and details of the building, as well as with other signs used on buildings in the vicinity. Signs should not obscure or destroy the architectural details of a facade.
- [3] Whenever possible, signs located on buildings within the same streetwall should be placed at the same height.
- [4] Sign colors shall be limited to a range of three colors, and should be compatible with the color of the building facade and of neighboring facades and signs. Garish and day-glow colors shall be avoided.

(2) Blade signs. Projecting blade signs are permitted for all business, office, or commercial establishments. Projecting blade signs shall comply with the following:

**[Added 10-8-2009 by Ord. No. 2009-32 Editor's Note: This ordinance also provided for the redesignation of former Subsection E(2) through (7) as E(3) through (8), respectively. ]**

- (a) A projecting blade sign may extend over a sidewalk or street right-of-way but must not extend more than two feet from the building to which it is attached.
- (b) The base of a projecting blade sign must not be less than eight feet from the ground.
- (c) Projecting blade signs must not extend from a building at any angle other than 90 degrees.

**[Amended 10-8-2009 by Ord. No. 2009-32]**

- (b) Such signs shall be permitted to be displayed for a period not to exceed 30 days and once every six months. A sticker showing the date of installation and date of required removal, to be issued by the Construction Official, shall be displayed on the lower right-hand corner of such signs as viewed from the exterior. An exception shall be granted for restaurant menus posted on site that meet the requirements of § 410-51E(4)(a).

**[Amended 10-8-2009 by Ord. No. 2009-32]**

- (c) Such signs may be constructed of paper, cardboard or other such written, numerical, graphic or photographic material or information displayed in the window of such establishment.
- (d) Such signs shall be contained entirely within the ground level interior of the building in which the business is located.
- (e) Window signs shall not exceed 15% of the total area of the window to which they are affixed. **Signs affixed to glass doors shall not exceed 7% of the total area of the door to which they are affixed.** ~~No signs are permitted on the glass area of any door.~~ All letters, numbers and symbols of window signage shall include lettering not more than five inches in height. Windows and window signs shall not be more than 15% opaque.

**[Amended 10-8-2009 by Ord. No. 2009-32]**

- (f) Such signs shall be maintained in an orderly manner at all times.

(5) Directory signs.

- (a) Directory signs in the C-3, C-4 and C-5 Zone Districts shall be permitted as follows: for office and mixed-use commercial buildings with two or more businesses or tenants, a directory sign may be used subject to the following provisions:

[1] Buildings containing less than 50,000 square feet and more than 10,000 square feet of gross floor area may have one directory sign containing a maximum of 20 square feet of sign area. Buildings containing more than 50,000 square feet but less than 150,000 square feet of gross floor area may have one directory sign containing a maximum of 40 square feet of sign area.

[2] Directory signs shall be either a monument sign or wall sign. The maximum height for a directory sign shall be eight feet from the surrounding grade to the highest point on the sign.

[3] No directory sign shall be located any closer than 10 feet to any property line, except that no directory sign shall be located any closer than 25 feet to any residentially utilized lot.

[4] The letter size and symbol size requirements for directory signs are subject to § 410-51E(1)(a)[1] and [2].

**[Added 10-8-2009 by Ord. No. 2009-32]**

(b) Directory signs for office or mixed-use commercial buildings in the C-1, C-1A and C-2 Districts shall be limited to one wall-mounted directory sign not exceeding six square feet in size and no higher than 12 feet above surrounding grade in addition to permitted wall, awning and/or projecting signs. The letter size and symbol size requirements for directory signs are subject to § 410-51E(1)(a)[1] and [2].

**[Amended 10-8-2009 by Ord. No. 2009-32]**

(6) Signs on awnings. Signs on awnings shall be permitted for commercial establishments in the Downtown Overlay District and the Commercial Nodes and Corridors Overlay District. The location and design of awnings shall comply with § 410-52E(8).

~~(a) An awning must not display any graphic other than the name of the business, the logo, and the street number.~~

(a) ~~(b)~~ Not more than 10 words, symbols or images shall be permitted on a single awning or on awnings provided for a single establishment. ~~A phone number, a street address and an Internet address each count as one word.~~

(b) ~~(e)~~ No awning sign shall be erected above the first level of a building, and the top of an awning may not project above the ceiling height of the first level, except on the upper floors of buildings in which a commercial tenant is present. Upper floor awnings shall also comply with § 410-52E(8)(e). **All windows on the second floor must be similarly installed with such awnings.**

(c) ~~(d)~~ Awning signs shall not be permitted if the establishment also has a wall sign.

(d) ~~(e)~~ An awning sign shall be no larger than 10% of the total building face on which it is placed or a maximum of 24 square feet in area, whichever is less. The letter size and symbol size requirements for awning signs are subject to § 410-51E(1)(a)[1] and [2].

**[Amended 10-8-2009 by Ord. No. 2009-32]**

(e) ~~(f)~~ For buildings and property containing more than one business or tenant, and where each business or tenant occupies a physically distinct ground floor space, upper floor space, or has a separate ground floor entrance, each business or tenant

may have one awning conforming to the requirements of this section and § 410-52E(8)(e). Awnings attached to the same building shall be of the same shape, color and height. To the extent possible, awnings should also be of the same size. For the purposes of determining the awning sign area permitted, only the face of each respective lease unit shall be counted. Each awning must be attached to the lease unit containing the business tenant identified.

**[Amended 10-8-2009 by Ord. No. 2009-32]**

(7) Gasoline service station signs. See § 410-51F(1).

(8) Signs on secondary entrances. Each building or property may have one additional wall sign or directory sign identifying the tenant(s) in a single or multi-tenant building that faces customer parking areas or pedestrian walkways. The content of such sign shall be limited to the name(s) of the business(es). Said sign is not to exceed 16 square feet in area, and letter sizes are subject to § 410-51E(1)(a)[1]. Such signs shall be attached to the same wall as their respective entrances, and both the signs and the entrances must be upon the same plane of the building.

**[Amended 10-8-2009 by Ord. No. 2009-32]**

F. Standards for specific uses.

(1) Gasoline service station signs. In addition to the signage allowed in § 410-51E(1), (2), (3) and (4), the following signs shall be allowed for gasoline service stations:

**[Amended 10-8-2009 by Ord. No. 2009-32]**

(a) Freestanding sign.

[1] A maximum of one freestanding sign consisting of either a pole sign or a monument sign is permitted.

[2] A freestanding pole sign shall not exceed a height of 20 feet measured to the topmost portion of the sign and shall be set back a minimum of 15 feet from any property line.

[3] The maximum sign area of a freestanding pole sign, including the frame, shall not exceed 50 square feet, inclusive of gasoline service station price sign. Such sign shall not be separated from the gasoline price sign but shall appear as a single integrated sign.

[4] A monument sign shall not exceed six feet in height and shall be set back a minimum of five feet from any property line. A maximum sign area, in square feet, equal to one square foot in size for every 10 feet of linear street frontage shall be permitted subject to a maximum area of 24 square feet.

[5] The letter size and symbol size requirements for freestanding pole and monument signs are subject to § 410-51E(1)(a)[1] and [2].

(b) Gasoline service station canopy signs.

[1] A gasoline service station with a canopy shall be permitted two canopy signs in total.

[2] The canopy sign or signs shall collectively not exceed 20 square feet in area. The letter size and symbol size requirements for canopy signs are subject to § 410-51E(1)(a)[1] and [2].

[3] The canopy sign shall be a flat sign permanently affixed to the vertical face of the canopy and shall not project above or below or from any side of the vertical face of the canopy.

[4] The canopy sign may be illuminated by internal and nonintermittent light sources.

[5] A business logo, inclusive of striping or other symbols, may appear on this canopy sign as part of the allowable sign area. Any striped area of the canopy shall be counted towards the permissible area of the sign.

(c) Pump signs.

[1] Signs shall be allowed on gasoline pumps so as to provide the required information to the public regarding octane rating, price, type of fuel, federal and state stamps, pump use directions, and no smoking.

[2] The trade name and any associated symbols shall be permitted on the sides of the pumps as flat signs located no more than three feet above the ground and not to exceed one square foot in sign area per pump.

[3] Self-service, full-service or other information signs may identify each pump island on the gasoline service station property. The location of such signs shall be limited to the gasoline pump or the canopy support located at each end of the pump island or between the canopy supports as a spandrel panel.

[4] A maximum of two such signs shall be allowed per pump island, and each sign shall not exceed two square feet in sign area when placed on the gasoline pump or when located at each end of the pump island or between the canopy supports as a spandrel panel.

(d) Gasoline service station price signs. Gasoline service station price information may be incorporated into a monument sign or mounted on a pole sign, provided that the total area of the price sign does not exceed 20 square feet in area. The letter size and symbol size requirements for service station price signs are subject to § 410-51E(1)(a)[1] and [2].

(2) Shopping center developments. Additional provisions applicable to shopping centers containing 150,000 square feet or greater floor space.

(a) Freestanding signage.

- [1] A maximum of one freestanding sign consisting of either a pole or a monument sign is permitted.
- [2] A maximum sign area, in square feet, equal to one square foot in size for every five feet of linear street frontage shall be permitted subject to a maximum sign area of 100 square feet.
- [3] A freestanding pole sign shall not exceed a height of 20 feet measured to the topmost portion of the sign and shall be set back a minimum of 15 feet from a property line except that it shall be back a minimum of 50 feet from any residential use or zone boundary.
- [4] The sign may identify the name of the shopping center and may include a directory listing of tenants, provided no lettering of less than six inches in height is provided. No other information shall be provided on such sign, and changeable copy signs are not permitted.

**[Amended 10-8-2009 by Ord. No. 2009-32]**

- [5] All sign area on a freestanding sign must be contiguous. Sign elements separated by gaps shall not be permitted.
- [6] Temporary signage attached to a freestanding sign, including real estate broker signs or vacancy signs, shall not be permitted.

(b) Signage attached to a building.

**[Amended 10-8-2009 by Ord. No. 2009-32]**

- [1] Each tenant of a shopping center shall be permitted to have one wall sign identifying the name of the business only. No other information on a wall sign is permitted.
- [2] For individual tenants with a gross floor area of less than 10,000 square feet, the maximum size for a wall sign shall be 10% of the building face area devoted to the tenant or 24 square feet, whichever is less. The letter size and symbol size requirements for wall signs are subject to § 410-51E(1)(a)[1] and [2].
- [3] For anchor tenants with a gross floor area greater than or equal to 10,000 square feet, the maximum size for a wall sign shall be 10% of the building face area devoted to the tenant or 64 square feet, whichever is less. The letter size and symbol size requirements for anchor tenant wall signs are subject to § 410-51E(1)(a)[2].

(c) Other signs.

[1] All other signs are subject to the sign regulations set forth in § 410-51E.

(3) Office buildings. Additional provisions applicable to freestanding multistory office buildings.

(a) Identification signs.

[1] One wall-mounted identification sign, with the copy limited to a company name and/or corporate logo, is permitted on office buildings with frontage on one street. For office buildings with frontage on two or more streets, a maximum of two identification signs are permitted.

[2] Identification signs shall be located no more than four feet below the parapet or uppermost roofline or facade of the building. Signs shall not project above the roofline or parapet of the building.

[3] The maximum size of each identification sign shall be one square foot for each 200 square feet of building space for the first 10,000 square feet of building space and one square foot for each 500 square feet of building space above 10,000 square feet, up to a maximum of 200 square feet. No identification sign shall exceed 200 square feet in size.

(b) Monument signs.

[1] One monument sign shall be permitted per each street frontage.

[2] The maximum size for each monument sign shall be 24 square feet. No monument sign may exceed six feet in height above grade and shall be set back no less than five feet from any property line. The letter size and symbol size requirements for monument signs are subject to § 410-51E(1)(a)[1] and [2].

**[Amended 10-8-2009 by Ord. No. 2009-32]**

(4) Signs for home occupations or home professional offices. One wall, nonilluminated sign or one window sign not exceeding two square feet in size displaying the name, address, occupation and/or service located upon the premises shall be permitted in all residential districts.

(5) Institutional signs and other signs for churches, schools, fraternal organizations and other nonprofit organizations. Such institutions shall be permitted one institutional monument sign and one institutional wall sign pursuant to the following requirements:

(a) Institutional monument signs. One monument sign per lot, not exceeding six feet in height from grade to the highest point on the sign. The bottom of the sign face shall not exceed a height of three feet above the surrounding grade at the base of

the sign. No monument sign shall be located any closer than 10 feet to any property line, except that no monument sign shall be located closer than 25 feet to any residentially utilized lot. No institutional monument sign shall exceed 18 square feet in outline area per face. The letter size and symbol size requirements for monument signs are subject to § 410-51E(1)(a)[1] and [2].

**[Amended 10-8-2009 by Ord. No. 2009-32]**

- (b) Institutional wall signs. One wall sign not exceeding one square foot per 10 linear feet of street frontage of the total square footage of the building face upon which it is placed having street frontage. In no case shall the sign area exceed 24 square feet.

[1] In those cases where a parcel or lot has more than one street frontage, one wall sign may be placed on each street frontage.

[2] Wall signs shall be face-mounted on the building/structure, projecting not more than 14 inches from the face of the building. Such signs shall not project above the parapet wall, mansard or other roofline, shall be recessed where involving a pitched roof location and shall be located so as to not create a safety or traffic hazard.

[3] The letter size and symbol size requirements for wall signs are subject to § 410-51E(1)(a)[1] and [2].

**[Added 10-8-2009 by Ord. No. 2009-32]**

#### G. Standards for other signs.

##### (1) Political campaign signs.

- (a) At no time whatsoever may political campaign signs or stickers of any type or size be affixed in any way to utility poles, traffic signs, traffic signal boxes or poles, mailboxes, fire hydrants or any public fixtures or be placed in any way on highway dividers, islands or overpasses or above (across) streets or highways or on any public property.
- (b) No political campaign sign shall be erected or posted on private property without the express consent of the owner or lawful occupant of the property, who shall then be responsible for compliance with this section.
- (c) Individual, freestanding billboard-type political campaign signs shall be permitted. Such signs may not obstruct traffic or sign lines. At no time whatsoever may political campaign signs of any type or size be lighted or be made of any reflecting materials.
- (d) Penalties. Any person, regardless of political affiliation, found to be a perpetrator, including any business, political party or entity violating the provisions of this

section, may be fined a sum not to exceed \$250 per sign. Violation of any of the provisions herein shall be deemed continuing and, for each and every day or part thereof that a violation of this subsection is found to exist, the court may impose a separate penalty as stated herein.

- (e) Enforcement. The provisions of this subsection shall be enforced by the Construction Official.
- (2) Billboard signs. The following standards, provisions, requirements and restrictions shall apply to all billboard signs within the Borough:
- (a) The Borough shall not accept a billboard sign application for consideration and issuance unless accompanied by a valid State of New Jersey permit and scaled site plans sealed by an engineer licensed and registered in the State of New Jersey. Such plans shall include structural drawings, foundation specifications, wind load calculations, electrical requirements and a survey depicting the distance between the proposed billboard sign and existing billboard signage installed as of the date of the subject application.
  - (b) Billboard signage may only be applied for and shall only be permitted in the C-5 Commercial District.
  - (c) Billboards shall not exceed 400 square feet per sign face.
  - (d) A billboard shall not exceed a height of 35 feet at its highest point above the elevation of the adjacent street or of the elevation at the base of the sign, whichever is higher (more permissive).
  - (e) A freestanding billboard shall have a minimum height of 20 feet at the lowest point of the sign face as measured from the elevation of the adjacent street or of the elevation at the base of the sign, whichever is lower.
  - (f) A billboard sign face, including border and trim, shall be no greater than 12 feet in height and shall be no greater than 50 feet in width.
  - (g) Only single-sided and back-to-back or V-type construction billboards with a single display per facing shall be permitted.
  - (h) No billboard sign may be placed any closer than 1,000 feet to another billboard sign on the same side of an interstate highway or freeway.
  - (i) No billboard sign may be placed any closer than 1,000 feet to another billboard sign, regardless of orientation, on any Borough street or road.
  - (j) No billboard sign may be placed within 200 feet of an interchange, intersection at grade or the convergence of on-ramps and off-ramps of an interstate highway or freeway, as measured at a point closest to any portion of the above and the closest portion of the subject billboard sign.

- (k) The minimum setback as measured from all points of the billboard sign shall be 200 feet from all residentially zoned property or property being utilized in a residential manner, any public property, any public or private parks or any registered historical sites or historical districts.
- (l) The minimum setback as measured from all points of the billboard sign shall be 50 feet from any structure.
- (m) The minimum setback as measured from all points of the billboard sign shall be 25 feet from any public right-of-way, public or private road, public or private driveway, public or private parking lot or railroad track or siding.
- (n) Billboard sign illumination shall be installed only so as to reasonably illuminate the subject billboard sign face and shall be directed and backshielded to transmit light only to same to a degree that it does not create a light pollution visual nuisance. No perimeter, strobing or other attracting type of lighting may be operated in conjunction with a billboard sign.
- (o) Billboard signs shall not be placed or operated so as to create a safety, traffic, health or hazardous condition.
- (p) Any application received for a billboard sign that is intended to replace existing billboard signage shall be regulated by these provisions and any other applicable regulations normally applied to new billboard sign applications.
- (q) No regulations in this section or any portions thereof are intended as being less restrictive than state or federal regulations.
- (r) Billboard sign extensions.
  - [1] The total square footage of billboard sign extensions may not exceed 25% of the billboard sign face area for which such extensions are sought.
  - [2] Such extensions shall not protrude more than three feet from the billboard sign face.
  - [3] Billboard sign extensions shall not be considered when calculating billboard sign face area or height requirements.
  - [4] The sign contractor shall provide evidence to the Borough that the extensions are structurally sound and do not create or intensify any potentially hazardous or injurious conditions.
  - [5] Billboard sign extensions shall be operated only as a component of specific advertising copy, which use shall expire with the removal of said specific advertising copy, and are not intended to become a permanent portion of the billboard structure or sign face area.

H. Severability. The phrases, clauses, sentences, paragraphs and subsections of this article are severable, and if any phrase, clause, sentence, paragraph or subsection of this article shall be declared unconstitutional or otherwise unlawful by the valid judgment, decree or injunction order of a court of competent jurisdiction, such ruling shall not affect any of the remaining phrases clauses, sentences, paragraphs, and subsections of this article.

Attest:

Mark J. Sokolich, Mayor

Neil Grant, Borough Clerk

Introduced	<u>N. SOMMER</u>	Date of Introduction	<u>December 8, 2011</u>
Seconded	<u>A. PENNY</u>	Public Hearing	<u>December 22, 2011</u>
		Date of Adoption	<u>December 22, 2011</u>

BOROUGH OF FORT LEE

ORDINANCE # 2011-25

**AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE ADOPTING THE AMENDED REDEVELOPMENT PLAN FOR REDEVELOPMENT AREA 5 PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.**

**BE IT ORDAINED** by the Borough Council of the Borough of Fort Lee, in the County of Bergen and State of New Jersey, as follows:

**SECTION I** Pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et seq.), by an ordinance approved on August 4, 2004, the Fort Lee Borough Council ("Borough Council"), adopted a Redevelopment Plan for Redevelopment Area 5 ("Redevelopment Plan").

**SECTION II** Pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et seq.), by an ordinance approved on March 31, 2005, the Borough Council amended the Redevelopment Plan.

**SECTION III** In furtherance of redeveloping Redevelopment Area 5, the Borough Council has prepared an Amended Redevelopment Plan, attached hereto and made part of this Ordinance (the "Amended Redevelopment Plan") and which shall be referred to the Fort Lee Planning Board (the "Planning Board") for its consideration pursuant to N.J.S.A. 40A:12A-7.e.

**SECTION IV** Prior to the adoption of the Amended Redevelopment Plan, Planning Board shall, within 45 days after referral, transmit to the Borough Council, a report containing its recommendation concerning the Amended Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7.e.

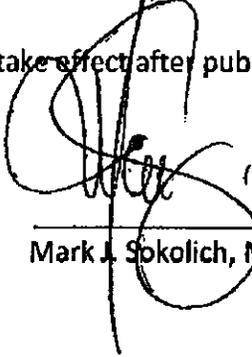
**SECTION V** Upon receipt of the Planning Board's recommendation or if the Planning Board fails to transmit a recommendation within 45 days

after referral, the Borough Council shall act upon this Ordinance adopting the Amended Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7.e.

**SECTION VI** Upon adoption of this Ordinance, the Amended Redevelopment Plan shall include the date of adoption of this Ordinance.

**SECTION VII** This Ordinance shall take effect after publication in accordance with applicable law.

Attest:

  
\_\_\_\_\_  
Mark J. Spkolich, Mayor

*Neil Grant*

\_\_\_\_\_  
Neil Grant, Borough Clerk

BOROUGH OF FORT LEE, NEW JERSEY

**AMENDED REDEVELOPMENT PLAN  
FOR AREA 5 (Ordinance #2011-25)**

**December 2011**

Prepared for

The Borough of Fort Lee, New Jersey

Prepared by

Phillips Preiss Grygiel LLC  
33-41 Newark Street  
Third Floor, Suite D  
Hoboken, NJ 07030

Adopted: December 22, 2011

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## 1.A Statutory Basis for the Redevelopment Plan

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This amended Redevelopment Plan has been prepared for what is commonly referred to as Area 5 (the "redevelopment area") within the Borough of Fort Lee in Bergen County, New Jersey. Area 5 includes properties located in east central Fort Lee between Lemoine Avenue, Main Street, Central Road and Bruce Reynolds Boulevard (formerly known as Bridge Plaza South), as shown in Figure 1, Location Map. The redevelopment area is bisected by Martha Washington Way.

The Mayor and Council of the Borough of Fort Lee adopted a resolution on May 27, 2004, directing the Planning Board to study the area in order to determine whether it was in need of redevelopment in accordance with the criteria specified in state law at N.J.S.A. 40A:12A-5. The Planning Board subsequently directed its consulting planners, Phillips Preiss Shapiro Associates, Inc., to conduct this study. The consultants submitted their report, titled *Redevelopment Area Investigation for Area 5 Located in the East Central Portion of the Borough of Fort Lee*, to the Planning Board in June 2004. A public hearing on the redevelopment investigation was then held by the Planning Board on June 21, 2004, which subsequently determined, based on the results of the investigation, that the study area qualified as an area in need of redevelopment. The Mayor and Council then directed the Planning Board to prepare a Redevelopment Plan for the area in question. The Mayor and Borough Council adopted the *Redevelopment Plan for Redevelopment Area 5* on August 4, 2004 pursuant to N.J.S.A. 40A:12A-7. The Mayor and Borough Council subsequently adopted an ordinance to amend the *Redevelopment Plan for Redevelopment Area 5* on March 31, 2005.

The Borough entered into a Redevelopment Agreement with a redeveloper on September 30, 2004 which was subsequently amended on July 18, 2005. Subsequently, the Borough Planning Board approved preliminary and final site plan, as well as subdivision of the parcel into an east parcel and a west parcel. The redeveloper also received minor site plan approval to construct a single-story temporary sales center. The formal actions of the Borough relating to these approvals are reflected in three resolutions dated June 6 and September 26, 2005 and July 17, 2006.

However, due to certain failures in performance by the redeveloper, in accordance with the Redevelopment Agreement and amendment, the Borough took formal action authorizing the issuance of a notice of default and ultimately terminated the Redevelopment Agreement and amendment and the designation of the redeveloper as redeveloper of the Redevelopment Area. The formal actions of the Borough relating to the default and termination are reflected in resolutions adopted by the Borough Council on May 1, June 5, June 12, and September 4, 2008.

As a result of the termination of the earlier Redevelopment Agreement and de-designation of the redeveloper and the subsequent foreclosure of the redevelopment area parcels, the Borough issued a Request for Qualifications/Proposal on February 18, 2009 to designate a new redeveloper for Area 5. On April 14, 2011, the Borough designated two conditional redevelopers for the redevelopment area: one for the "East Parcel," which is the area east of Martha Washington Way; and one for the "West Parcel," which includes Martha Washington Way (as dedicated by deed of easement on March 15, 2000 in Deed Book 8266, Page 524 by predecessor in title) and the area west of Martha

Washington Way. Also on April 14, 2011, the Borough entered into a *Settlement and Escrow Agreement* with the two developers which stated that the Borough shall adopt amendments to the Redevelopment Plan for Redevelopment Area 5.

## 1.B Description of Redevelopment Area Boundaries

---

The boundaries of the redevelopment area, shown in Figure 2, contain almost the entire area bounded by Lemoine Avenue on the west, Main Street on the south, Central Road on the east, and Bruce Reynolds Boulevards on the north.

The *Redevelopment Area Investigation for Area 5 Located in the East Central Portion of the Borough of Fort Lee* adopted by the Planning Board in June 2004 included a number of separate tax parcels. Specifically, the area includes the properties then known as Block 4801, Lots 1, 3, 7, 8, 9, 10 and 11; Block 4802, Lot 1; and Block 4803, Lot 1 on the official tax maps of the Borough of Fort Lee. An additional lot shown on the official tax maps, Lot 5 in Block 4802, was consolidated with Lot 1 in the same block and was also included in the redevelopment area. As part of an earlier effort to redevelop Area 5, in 2005 the Planning Board approved a subdivision of the approved redevelopment area into two lots: one to the east of Martha Washington Way and now known as Block 4851, Lot 1.02 (the "East Parcel"), and one parcel to the west of and including Martha Washington Way and now known as Block 4851, Lot 1.01 (the "West Parcel") on the official tax maps of Fort Lee.

There is one additional lot within the West Parcel aside from Lot 1.01 which is shown as Block 4851, Lot 4 (formerly known as Block 4801, Lot 2) on the official tax maps of Fort Lee. Lot 4 is located approximately 205 feet west of the Martha Washington right-of-way and is currently improved with a one story building housing a retail clothing and apparel store.

There are two additional parcels within the East Parcel aside from Lot 1.02. One is shown as Block 4851, Lot 3 on the official tax maps of Fort Lee (formerly Block 4802, Lot 4) and is located at the northeast corner of Martha Washington Way and Main Street; and the second is shown as Block 4851, Lot 2 on the official tax maps of Fort Lee (formerly Block 4802, Lots 2 and 3) and is located adjacent to Lot 3 on Main Street. Both are currently used as a municipally operated parking lot.

Block 4851, Lots 2, 3 and 4 were not included in the 2004 report: *Redevelopment Area Investigation for Area 5*. However, the Borough on December 8, 2011 incorporated these lots into the Redevelopment Area, pursuant to applicable law. The "peninsula" area at the northwest corner of Main Street and Central Road, created through the realignment eastward of Central Road to align with Federspiel Street, was also added to the Redevelopment Area at the same time. A pump station may be installed in this area, which at a minimum shall serve the Redevelopment Area. Alternatively, the Borough is considering developing a joint pump station to serve both the East and West Parcels. If the Borough proceeds with the joint pump station, contributions will be required from the developers of both parcels.

The redevelopment area is bisected by Martha Washington Way, a publicly dedicated easement measuring approximately 110 feet in width which runs from Bruce Reynolds Boulevard to Main Street. The property underlying the easement remains part and parcel of the underlying tax lot

(Block 4851, Lot 1.01), and therefore is included in the redevelopment area, but the easement itself is dedicated to the Borough for a public street. Two older streets, Hoyt Avenue and Hudson Street, are also located within the redevelopment area. They have been vacated by the Borough and have been incorporated into the adjacent tax lots. Consequently, the entirety of the former Hudson Street and the former Hoyt Street is included in the redevelopment area. The tax lots are indicated on Figure 2.

The redevelopment area is currently mostly vacant. The only existing structures in the area are three buildings fronting on Main Street between Martha Washington Way and Lemoine Avenue. One of these buildings is on Block 4851, Lot 1.01 and includes a vacant, one-story retail building in poor condition with two former storefronts which housed a mailbox service business and a political organization. A second building is located on Block 4851, Lot 4, is one story in height and houses a retail clothing and apparel store. The third building and associated parking lot is also vacant and was used as a leasing office for the former developers of the redevelopment area. In addition to these structures, there are the two small municipally-operated parking lots in the redevelopment area: one at the northeast corner of Main Street and Martha Washington Way; and the other at the northwest corner of Main Street and Central Road.

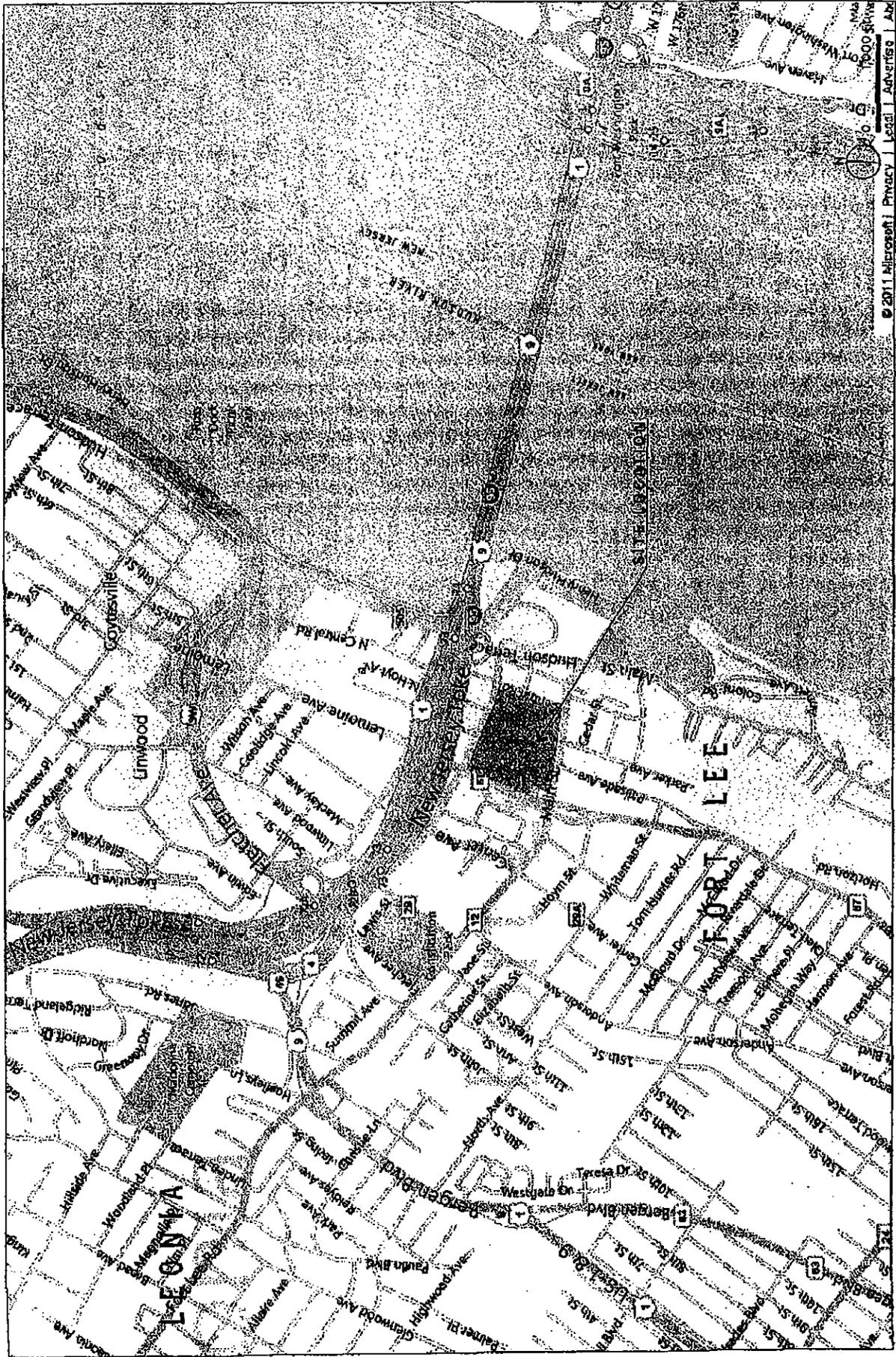


Figure 1: Location Map

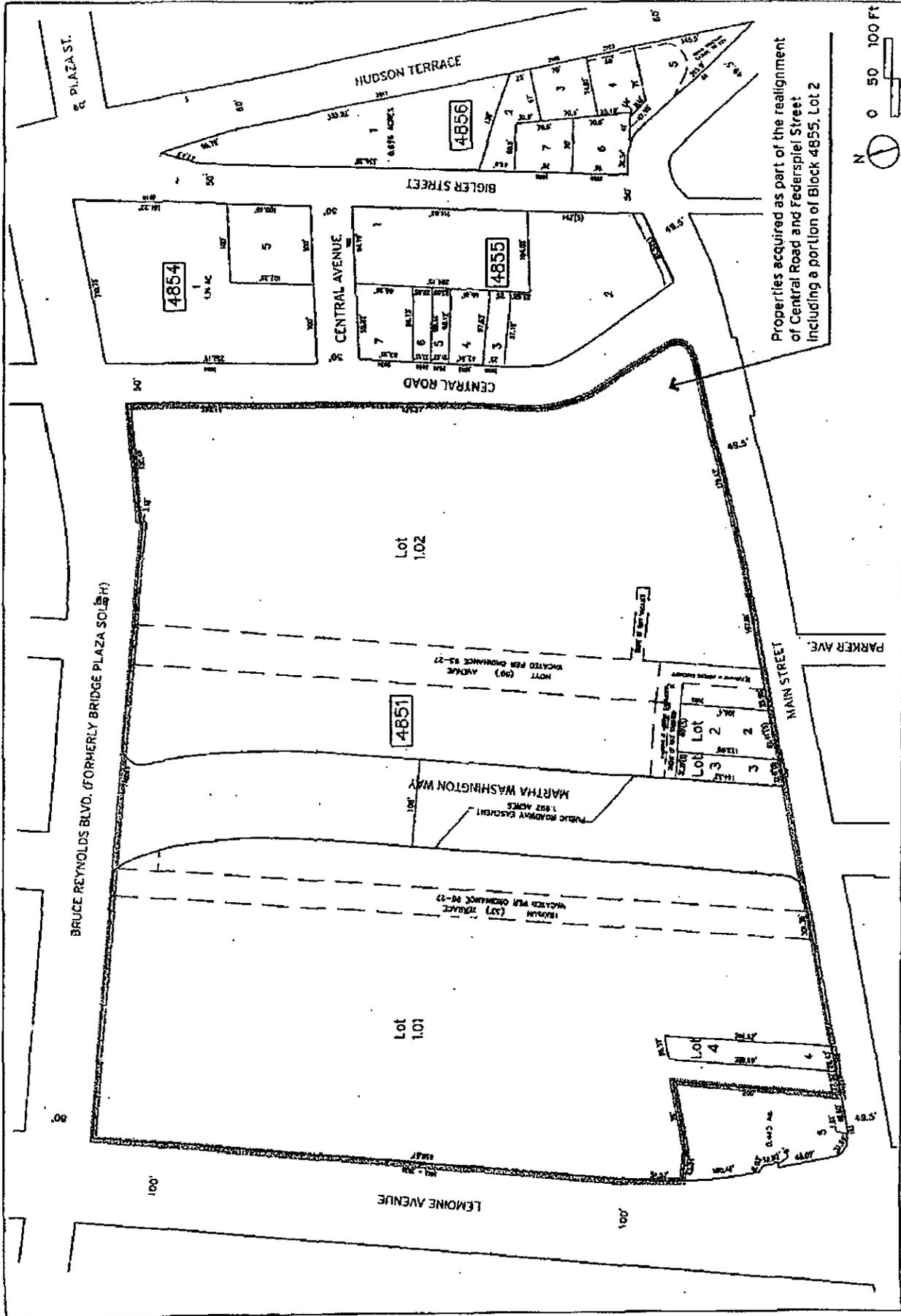


Figure 2: Redevelopment Area Boundaries

Phillips Preiss Grygiel LLC 2011

## 2 PLAN VISION AND OBJECTIVES

### 2.A Redevelopment Plan Goals and Objectives

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The intent of this Redevelopment Plan is to provide for the integrated development of complementary land uses in the redevelopment area that will connect to and strengthen existing commercial areas within the Borough. Among the allowable uses for the site are shopping facilities, entertainment and cultural facilities, offices, parks and open space, residences, and a hotel. The property will be developed in an integrated manner that functions as a logical extension of the adjacent downtown area. The East Parcel and the West Parcel are each permitted to utilize shared parking, mainly within parking structures, for the respective uses on each parcel.

It is the intent of this Redevelopment Plan that the existing structures and parking lots on the site will be demolished, and the site will be wholly redeveloped in accordance with the requirements of this plan.

Taking into consideration the fact that the redevelopment area is owned by two separate owners and recognizing that different areas of the site are best suited for different uses, separate use and bulk requirements shall apply to the East Parcel and the West Parcel.

The East Parcel, located adjacent to existing residential areas, is intended mainly for residential development, as well as a municipally-run movie theatre on Main Street, and a restaurant and coffee kiosk on the Central Green.

The West Parcel, located closer to Fort Lee's existing downtown, is intended for a mix of retail, hotel, office, and residential development.

The Borough is seeking to achieve the following as part of the Redevelopment Plan for Area 5:

- To create a pedestrian-friendly, mixed-use, town center environment.
- To create a publicly-accessible gathering place along the street, and improve the quality of streets for pedestrians, shoppers, and drivers.
- To create a focal point and destination for Borough residents, workers and visitors; attract upscale retail tenants and a wide variety of restaurants to the downtown area.
- To design development that creates a high-quality architectural standard for the project.
- To promote a mix of uses, including those which extend the hours of business activity and offer Borough residents and workers greater recreational, entertainment and cultural opportunities.
- To stimulate development of new retail shopping facilities and a hotel.
- To provide opportunities for construction of housing within a downtown setting.
- To provide for the construction of infrastructure within the Redevelopment Area necessary to support new development.

- To promote shared parking and more dispersed traffic patterns by providing for uses with varying peak-hour traffic and parking requirements.
- To foster appropriate relationships between buildings, streets, parking areas, walkways and landscaped areas, both within the development and in the context of the surrounding area.
- To provide for an increase in the economic base of the redevelopment area and the entire Borough by redeveloping underutilized and non-productive properties.
- To minimize the negative impact of existing vacant land in the redevelopment area on the surrounding neighborhood.
- To provide for the creation of affordable housing as set forth herein.

## 2.B Relationship to Local Objectives

---

The Borough of Fort Lee's local objectives are expressed in its Master Plan, adopted in 1988; reexamination reports adopted in 1995, 2001 and 2004 and most recently on May 16, 2011; and land use element amendments adopted in 2002, 2008 and 2010. The Borough also adopted a Fair Share Plan in 2009.

The 1988 Master Plan and the four reexamination reports all identify the redevelopment area as a site for large-scale, intense development. In the 1988 Master Plan, the site is identified as a location for eight-story apartments and mid-rise office and housing, while the 1995 reexamination notes that the Borough had recently rezoned the site to allow high-density, master planned development. The 1995 Fair Share Plan identifies the area as an affordable housing site for the purpose of meeting the Borough's new construction obligation. The 2001 reexamination report proposed that the site be rezoned into a new zoning category intended to create a "critical mass" of stores, restaurants, entertainment uses, offices and a hotel within a single downtown location. This zoning was implemented but lack of any development on the site led the Borough to seek to designate the property as an "area in need of redevelopment."

The 2004 Master Plan Reexamination Report recommended the adoption of a series of specific Master Plan and zoning recommendations affecting the redevelopment area. These changes in the Land Use Element of the Master Plan were outlined in a study titled *Downtown East Zoning Study* and were intended to "encourage redevelopment with a mix of land uses designed to both complement the existing character of downtown Fort Lee and extend the existing retail streetscape on Main Street and Lemoine Avenue."

In the *Downtown East Zoning Study*, it is noted that the current zoning regulations applicable to the redevelopment area, which were adopted in response to the 2001 Reexamination Report, failed to spur development and, in fact, provoked a court challenge from the property owner. It is further noted that in response to this situation, the Borough sought to designate the property as an area in need of redevelopment with the objective of encouraging development of the site with a mix of land uses designed to complement the existing character of downtown Fort Lee.

The Downtown East Zoning Study outlines the recommended use and bulk regulations for the area. On the east side, the recommended primary intended use is residential, with retail, service and restaurant uses limited to the ground floor. On the west side, recommended permitted uses include office, retail and service commercial, restaurants, hotels, banks, indoor recreation, community and cultural facilities, and residences.

The zoning recommendations outlined in the 2004 Reexamination Report and Downtown East Zoning Study were subsequently codified in the adopted 2005 Redevelopment Plan. Although certain changes have been made in relation to building height, bulk, etc., and provisions for public amenities have also been included, this Amended Redevelopment Plan is substantially consistent with the above referenced Master Plan whose main objective was to establish new development standards that would encourage redevelopment with an integrated and intense mix of residential, retail, service and commercial uses.

Additionally, with regard to the parcels that were recently added to the Redevelopment Area 5 boundaries (i.e., Block 4851, Lots 2, 3 and 4), together with the so-called peninsula acreage at the northwest intersection of Main Street and Central Road i.e., surplus lands created as a result of the realignment of Central Road with Federspiel Street, inclusion of said parcels within the Amended Redevelopment Plan is also substantially consistent with the Master Plan, as such parcels were intended to have the same land use plan classification as the larger redevelopment area provided they were not excluded from the redevelopment area boundaries. This is expressly set forth in the 2001 Master Plan Reexamination Report, and also highlighted in the 2004 and 2011 Master Plan Reexamination Reports. The recently adopted 2011 Master Plan Reexamination Report further recognizes the impending redevelopment of the area. The 2002, 2008 and 2009 land use element amendments do not address the redevelopment area.

The redevelopment area has a long history as a potential site for affordable housing. In the 1988 Master Plan, the tract was identified in the Housing Element as a vacant site on which up to 670 units could be constructed. The Borough's Fair Share Plan, adopted in 1995, named the site as a part of the Borough's new construction obligation pursuant to Council on Affordable Housing regulations, and stipulated that a mandatory set-aside program be adopted for the site which would require the construction of 80 owner-occupied affordable units or 45 affordable rental units.

The developers of the East and West Parcels shall fully, comply and/or construct any state-mandated affordable housing component attributable to their respective development parcels as may be further defined in the respective redeveloper agreements and/or joint development agreement.

### 3 LAND USE & DEVELOPMENT PLAN

#### 3.A Note on Plan Terminology

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Throughout this Redevelopment Plan, a meaningful distinction is made in the regulations between “shall” and “should.”

“Shall” or “must” means that a developer is required to comply with the specific regulation, without deviation.

“Should” means that a developer is encouraged to comply but is not required to do so. If the exact recommendation cannot be met, the Planning Board will entertain any modification that meets the underlying spirit and intent of the regulation and/or the Redevelopment Plan generally.

#### 3.B Land Uses & Bulk Standards

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##### 3.B.I Overview of Development

###### 3.B.I.1 East Parcel

The portion of the redevelopment area east of Martha Washington Way, known as the “East Parcel,” will be developed with two buildings separated by a 1.75-acre Central Green. Each of the two buildings will contain a maximum of 47 stories (including a combination of residential tower and parking levels). The passive park/public area will be open to the public and handicapped accessible.

The East Parcel will be developed with up to 900 residential units. Each of the two buildings will contain up to 450 residential units plus two units in each building for occupancy of the buildings’ superintendents. Such superintendent units shall not be revenue generating and shall have no more than two-bedrooms each. The two buildings will contain structured parking, ancillary facilities and amenities related to the residential use. The residential units shall consist of condominium and/or rental units. No more than five (5) percent of the total units shall be three bedroom units and not less than 50 percent of the total units shall be studio or one-bedroom units.

Within or around the perimeter of the Central Green (a passive park/public area) will be: retail space consisting of at least one sit down, table service restaurant with a minimum of 4,000 and a maximum of 7,000 indoor square feet (exclusive of basement storage and mechanical areas) and with open air dining for three season outside use, which outdoor dining may be located in the Central Green and will extend no more than 25 feet from the façade of the restaurant on average and no more than a maximum of 35 feet at any given point; and a café style coffee house or coffee kiosk, permitting the incidental sale of ice cream but not as its primary business, with a maximum size of 2,500 square feet.

The East Parcel will also include 2,000 square feet of space provided to the Borough for use as a public space or historical museum.

The developer of the East Parcel will construct 11,000 square feet of ground floor space at the corner of Martha Washington Way and Main Street for use by the Borough as a three screen movie theater or other public use as an entertainment, recreation or instructional nature, such as historical programs and comparable uses, as determined by the Borough, provided that any alternate public use is included within the list of permitted uses provided for in *Section 3.B.II.1*.

The developer of the East Parcel is prohibited from developing offices, aside from offices incidental to other uses, or a hotel unless the West Parcel is fully developed without office uses or a hotel.

### **3.B.I.2 West Parcel**

The West Parcel will be developed in three to four buildings on three blocks: the Southwest, the Southeast and North Blocks. The Southwest Block will be bound by Lemoine Avenue to the west; a new street, Central Avenue, to the north; the formerly vacated Hudson Street to the east, and Main Street to the south. The Southeast Block will be bound by Hudson Street to the west, Central Avenue to the north, Martha Washington Way to the east, and Main Street to the south. The North Block will be bound by Lemoine Avenue to the west, Bruce Reynolds Boulevard to the north, Martha Washington Way to the east, and Central Avenue to the south.

The Southwest Block will consist of one podium building of a maximum total height of seven total stories and shall not include any towers. The Southeast Block will include one podium building topped with one or two towers, with a maximum total height of 13 stories. The North Block will be improved with up to two towers, with a maximum total height of 19 stories, inclusive of any podium(s). The West Parcel will be developed with up to 475 residential units plus two units in each building for occupancy of the buildings' superintendents, up to 200,000 square feet of retail space, and a hotel of up to 175 rooms.

The residential units will consist of condominium and/or rental units to total 600,000 square feet. No more than five percent of the total units will be three-bedroom units and no less than 37 percent will be studio or one-bedroom units. Superintendent units shall not be revenue generating and shall have no more than two-bedrooms each.

Retail space may include mezzanine space which is an intermediate level between the floor and ceiling of a building story. Such space shall not be used for retail sales and shall not count towards total retail square footage. Such storage mezzanines shall not occupy more than an additional 33 percent of a store's floor area on each floor. A minimum of 165,000 square feet of the retail space (exclusive of mezzanine space) will be ground floor retail space, which may be increased up to 175,000 square feet (exclusive of mezzanine space) with the additional 10,000 square feet not being restricted to the ground floor. Total retail space may be further increased up to 200,000 square feet total (exclusive of mezzanine space), provided the 25,000 square feet of additional space is dedicated to an entertainment use, as defined in Section 3.B.II.2, not to be restricted to the ground floor. The ground floor retail space will front onto and have access onto abutting existing and new streets, rather than internal mall-style entrances. The retail space in the Southwest Block is not required to have pedestrian access from Lemoine Avenue. All ground floor retail facades will consist primarily of glass for a "storefront" appearance. No retail space will consist of more than 30,000 square feet without approval by the Borough. The initial retail tenancy shall provide a

minimum of three sit down, table service restaurants of not less than 4,000 square feet each. None of these restaurants shall be fast food.

The developer of the West Parcel has the option, subject to terms of the Redevelopment Agreement, to convert some or all of the square footage dedicated towards hotel and/or residential development, but not the retail development, to office development with a maximum of 430,000 square feet.

The West Parcel may be built in two or more phases. The Southeast and Southwest Blocks shall be built in the first phase. This phase shall include a minimum of 100,000 square feet of ground floor retail space, and up to 275 residential units. The landlord shell for all ground-floor retail use for the South Blocks shall be completed before a Certificate of Occupancy is issued for any residential unit. If the Southwest Block does not contain any residential units, Certificate of Occupancy may be issued exclusively for the retail tenancy within the Southwest Block upon completion of the Southwest Block.

The North Block may be built in the second phase, which may be constructed in more than one sub-phase. The construction of any residential portions of the second phase shall commence no earlier than twelve (12) months from the issuance of a temporary certificate of occupancy for all of the first phase of the development.

### 3.B.1.3 Illustrative Conceptual Development Plans

The Appendix includes conceptual illustrations for both the East and West Parcels, prepared by architects for the developers of each Parcel. The conceptual illustrations include site plans and renderings that show the *intended* site layout / configuration and building massing / architectural detailing for each Parcel. The Appendix also includes a conceptual rendering for the landscape design of the Central Green open space in the East Parcel. While some of these Plan elements are fixed, as set forth in ensuing sections of the Plan, others are flexible and allow for changes to occur based on more complete site survey information and more detailed architectural and engineering plans. Site plans for the East and West Parcels shown on *Figures 3 and 4* respectively, are provided in the Appendix.

## 3.B.II Principal Permitted Uses

Any uses not specifically permitted below are prohibited.

### 3.B.II.1 East Parcel

The following uses are permitted on the East Parcel:

- Multifamily residential units, inclusive of a full range of dwelling unit sizes from studios to three-bedrooms; but only above the first level. Residential lobbies and entryways are permitted on the first level.
- Restaurants, cafes, and lounges.
- A museum or public space.

- Movie theater / cinema providing up to three (3) screens or other public use of an entertainment, recreation, or instructional nature, such as historical programs and comparable uses, as determined by the Borough in its sole discretion, at the northeast corner of Main Street and Martha Washington Way; see *Section 3.B.IV, Regulations for First-Level Uses*, for more information.
- Office uses, other than those that are incidental and subordinate to other permitted uses, are permitted on the East Parcel only if the West Parcel has been fully developed with no office uses. If office uses are to be included, an amendment to this Redevelopment Plan will be required in order to provide additional regulations on yield, height, building location and design, etc.
- Hotel uses are permitted on the East Parcel only if the West Parcel has been fully developed with no hotel uses. An amendment to this Redevelopment Plan will be required in order to provide additional regulations on yield, height, building location and design, etc.

### 3.B.II.2 West Parcel

The following uses are permitted on the West Parcel:

- Multifamily residential units, inclusive of a full range of dwelling unit sizes from studios to three-bedrooms; but only above the first level. Residential lobbies, entryways, and ancillary residential service areas are permitted on the first level, subject to the restrictions of *Sections 3.B.III, 3.B.IV.2, and 3.D.IV*.
- Retail sales and service establishments.
- Restaurants, cafes, and lounges.
- Banks and other financial institutions.
- Indoor recreation facilities.
- Child-care facilities.
- Entertainment Retail (defined as multi-screen movie theater or cinema with up to seven (7) screens, improv or comedy club, sports-themed full-service restaurant with or without ancillary arcade games, and/or health and fitness club with or without an upscale health spa).
- Offices (business, professional, and medical).
- Hotels, with optional meeting and/or conference facilities.

### 3.B.III Permitted Accessory Uses

The following accessory uses are permitted throughout both the East and West Parcels, except where otherwise restricted by language in this Redevelopment Plan:

- Off-street parking and loading areas.

- Any number of levels of structured parking is permitted fully below grade. One level is permitted partially below grade. The permitted number of parking levels above grade is set forth for each parcel in *Section 3.B.VIII*.
- All off-street parking shall be in structured parking underneath or within buildings; surface parking and open-air rooftop parking are prohibited. Stand-alone, detached, "satellite" parking garages with no other uses are prohibited; all structured parking areas shall be connected or attached to buildings containing Permitted Uses.
- The perimeter of any at-grade or above-grade parking structure facing a publicly-accessible street, pedestrian walkway, or park / open space shall be screened by principal permitted uses or by architectural detailing, in combination with landscaping, as discussed further below in *Section 3.D.III, Parking Screening*.
- Service Areas are ancillary rooms, areas, or facilities associated with building service, providing such features as mechanical facilities, transformers, laundry rooms or service, and trash and recycling rooms. Service Areas are subject to the requirements outlined further in *Section 3.D.IV, Service Area Screening*. (Note that loading docks are not considered "service areas.")
- Loading docks and similar loading facilities. Loading facilities are subject to the requirements outlined in *Section 3.D.VII, Loading*.
- Amenities provided for the use of building occupants such as private resident gyms, private resident meeting rooms or recreation rooms, and management offices.
- Bicycle storage rooms or areas.
- Outdoor seating for cafes and restaurants.
- Parks, playgrounds, plazas, courtyards, gardens, and other recreational open space, either private or open to the public, at grade or on rooflops or over parking garages.
- Other rooftop amenities for use of building residents or occupants.
- Other accessory uses customarily incidental to principal permitted uses and on the same tract.
- Sewage pump stations.
- Emergency broadcast / repeater antennas and related rooftop appurtenances for Borough use.

### 3.B.IV Regulations for First Level Uses

The following section governs where specific uses are required on the first, or ground, level of buildings in order to create active and visually-interesting pedestrian environments (both along streets and required open spaces).

#### 3.B.IV.1 East Parcel

In the East Parcel, the following regulations about proactive placement of activity-generating uses apply. "Building frontage" refers to the total linear length of structures (including parking garage

areas), as measured parallel to a particular street; “parking garage frontage” refers to the length of parking garage structures as measured parallel to a given element. See also *Section 3.B.IX, Building Setbacks*; *Section 3.D.III, Parking Screening*; and *Section 3.D.IV, Service Area Screening*.

- At least 25 percent of building frontage facing Martha Washington Way (regardless of setback distance from said street) shall include restaurants, cafes, museums, residential lobbies, the movie theater or other Principal Permitted public use. In addition, at least 40 percent of building frontage facing Martha Washington Way (regardless of setback distance from said street) shall consist of Principal Permitted Uses and/or building service areas (as defined in *Section 3.B.III*).
- Any parking garage frontage parallel to and facing the Central Green shall be architecturally screened according to the standards in *Section 3.D.III.3, Parking Screening Options*. In addition, as discussed in *Section 3.C.III, Open Space*, plantings and berms / hillocks/ moundings are required along the edges of the garages, to further screen them from the Central Green.
- A movie theater (or other public use of an entertainment, recreation, or instructional nature, such as historical programs and comparable uses, as determined by the Borough in its sole discretion, provided that the other public use is one of the permitted uses set forth in the Redevelopment Agreement with the Redeveloper of the East Parcel) is required and shall be placed at the northeast corner of Main Street and Martha Washington Way. See *Section 3.B.V.1, Maximum Amount of Development / East Parcel / Movie Theater*; and *Section 3.B.IX, Building Setbacks*.

### 3.B.IV.2 West Parcel

No structured parking is permitted on the first level of buildings, although parking entries / driveways and loading docks and related service uses are permitted on the first level.

The following minimum percentages of ground-floor building frontages shall be occupied by retail uses or by lobbies leading to upper-floor uses:

- Along Lemoine Avenue: 50 percent
- Along Bruce Reynolds Boulevard: 65 percent
- Along Central Avenue, north side: 70 percent; south side: 70 percent
- Along Hudson Street: west side: 60 percent; east side, 85 percent
- Along Main Street: 50 percent
- Along Martha Washington Way: 60 percent

The above percentages of street frontage shall be calculated as the linear building frontage including retail or lobbies; divided by the total frontage along that street within the entire West Parcel, excluding the portion of frontages interrupted by intervening streets (i.e., Hudson Street or Central Avenue).

### 3.B.V Maximum Amount of Development

#### 3.B.V.1 East Parcel

##### RESIDENTIAL

Up to 900 dwelling units shall be provided, distributed between two (2) high-rise towers located on either side of the Central Green and each containing up to 450 units (plus two units for building superintendents in each building).

##### RETAIL

Retail space shall be limited to the uses listed below.

- At least one sit-down, table-service restaurant of between 4,000 and 7,000 indoor square feet, and with open air dining for three-season outside use. Related outdoor dining facilities may be located in the Central Green but shall extend no more than 25 feet on average from the façade of the restaurant and no more than 35 feet at any given point.
- A café-style coffee house or freestanding kiosk permitting the incidental sale of ice cream, but not as its primary business, with a maximum of 2,500 square feet.

##### MUSEUM

A building and related amenities providing approximately 2,000 square feet of indoor space shall be provided on the ground level, fronting onto Main Street, east of the movie theater (see below). The Borough intends to use this building as a historical museum or other public space. The street-facing facade of the museum building shall provide at least 25 feet of frontage along Main Street.

##### MOVIE THEATER

A structure containing 11,000 square feet shall be provided at the corner of Main Street and Martha Washington Way. The Borough plans to use this space to create, at the Borough's expense, a three (3) screen movie theater or other public use of an entertainment, recreation, or instructional nature; however, it shall not be used for retail space except for ancillary retail as pertains to the theater or other authorized public use. The structure serves as a means to provide activity along Main Street.

The redeveloper shall provide a shell structure for the theater, electric service to a central location for distribution, and sanitary and water lines to a control location for bathrooms. The Borough shall be responsible for further fit-out. Any use other than a movie theater must be one of the other public uses permitted in *Section 3.B.II.1*. Additional requirements are imposed as follows.

The theater building shall have an exterior height of at least 35 feet but shall not exceed 40 feet. The interior height shall be at least 18 to 25 feet as measured at the screen walls.

The entrance to the theater shall be on Main Street, at least 75 linear feet from the corner of said structure nearest the intersection of Martha Washington Way and Main Street, and at least ten (10) feet from the easternmost point of the structure on Main Street.

The street-facing facades of the theater building shall provide at least 100 feet of frontage along Main Street and 100 feet of frontage along Martha Washington Way. The facades of the theater

building shall be set back sufficient distance from the public rights-of-way (property lines) of these two streets so as to create sidewalks of minimum widths as described in *Section 3.B.IX, Building Setbacks*.

At least 60 percent of the ground-floor façade area along Martha Washington Way and at least 75 percent of the ground-floor façade area along Main Street shall be of clear glazing, giving views onto lobbies, ticketing, and circulation areas. The three screening rooms within the movie theater shall be sited away from these street-facing facades so that the facades may remain transparent as required.

The theater façade will be a combination of glass storefront with composite aluminum panels above. These materials will blend with the modern vocabulary of the residential tower. Panels sizes will be modular and complementary to the scale of both the residential tower and the parking garage. The panel colors will be in the warm neutral palette of the parking garage so that a consistent streetscape is created.

The marquee, which is required to wrap around the corner of these two streets, shall project forward from the façades, but shall be at least three (3) feet behind the back of the curb of both streets, so as to avoid damage from passing trucks. The marquee shall have a high-quality design and appearance that suggests the theatrical use, is in context with other development on the West and East Parcels, and harmonizes with the nearby retail and other downtown uses. *Figure 5* in the Appendix provides an illustrative rendering of the movie theater looking northeast and reflects an acceptable marquee design.

The parking garage for the south tower on the East Parcel shall include 35 parking spaces for exclusive use of the theater or other public use as determined by the Borough. The spaces shall be located in close proximity to the Main Street entrance of the theater. The developer of the East Parcel shall provide a perpetual easement to the Borough for said 35 parking spaces.

#### ALTERNATIVE PERMITTED USES

Office and hotels are alternative permitted uses in the East Parcel only if such uses are not constructed on the West Parcel by full buildout. The amount, design, placement, and other requirements for such office and/or hotel uses on the East Parcel shall be subject to Borough approval and will require amendments to this Redevelopment Plan.

### 3.B.V.2 West Parcel

#### RETAIL

Excluding space used for Entertainment Retail, at least 165,000 square feet of ground-floor retail space (exclusive of mezzanine space pursuant to *Section 3.B.I.2*) and no more than 175,000 total square feet of retail space shall be provided (exclusive of mezzanine space pursuant to *Section 3.B.I.2*). Any portion of the 10,000 square foot increment of retail over the 165,000 square foot minimum may be provided on a second level, if desired. Ground-level retail space shall front onto and have access from all abutting streets, except that retail space facing Lemoine Avenue shall not be required to have pedestrian access from Lemoine Avenue (see *Section 3.B.IV, Regulations for*

*First Level Uses*, regarding specific percentages of ground-level street frontages that must contain retail uses, and *Section 3.E.I.5, Storefront Design along Lemoine Avenue*).

The initial tenancy of the retail space is anticipated to include at least two retail anchors, one near Main Street and one north of Central Avenue. However, no individual retailer shall comprise more than 30,000 square feet.

The initial tenancy of the retail space shall include at least three (3) sit down, table service restaurants (not fast food) of not less than 4,000 square feet each.

#### **ENTERTAINMENT RETAIL**

An additional 25,000 square feet of retail space is permitted only in order to provide Entertainment Retail (as defined in *Section 3.B.II.2*) that may be provided either on the ground floor or on upper levels. Including the entertainment use, the maximum retail development on the West Parcel is 200,000 square feet.

#### **MAXIMUM NON-RETAIL DEVELOPMENT: 750,000 S.F.**

The maximum amount of non-retail development permitted on the West Parcel (exclusive of parking areas) is 750,000 square feet. This yield may be allocated among any or all of the following: residential units, a hotel, and/or office space. The total gross square feet of all such uses provided shall not exceed 750,000 square feet. Furthermore, specific limits for each of the three use types apply as well, and are provided next.

- **Residential.** Up to 475 housing units may be provided, totaling up to 600,000 square feet (plus two units for building superintendents).
- **Hotel.** One hotel with up to 175 rooms and 144,000 gross square feet may be provided north of Central Avenue.
- **Office.** Up to 430,000 square feet of office space may be constructed instead of some or all of the hotel and/or residential development on the North Block, provided that the total of non-retail development on the West Parcel does not exceed 750,000 square feet.

### **3.B.VI Residential Unit Mix**

#### **3.B.VI.1 East Parcels**

No more than five (5) percent of residential units shall be three-bedroom units. No fewer than fifty (50) percent of residential units shall be studio or one-bedroom units. The remainder of residential units shall be two-bedroom units.

#### **3.B.VI.2 West Parcel**

No more than five (5) percent of residential units shall be three-bedroom units. No fewer than thirty-seven (37) percent of residential units shall be studio or one-bedroom units. The remainder of residential units shall be two-bedroom units.

### 3.B.VII Affordable Housing

The developers of the East and West Parcels shall fully comply with and/or construct any state-mandated affordable housing component attributable to their respective development parcels. The Borough and the developers of the East and West Parcels may agree to terms and conditions regarding affordable housing, which shall be reflected in any applicable Redevelopment Agreements.

### 3.B.VIII Building Height

Building height is measured similarly to the definition in the Borough of Fort Lee *Zoning* code: from the main level of the ground surrounding the building to the highest point of the roof, but not including permitted obstructions<sup>1</sup>, and shall be measured both in number of stories and number of feet.

Maximum building heights are specified below. Heights are described for:

- “Podiums,” the lower-level base structures that include parking garages and other uses; and
- “Towers,” upper-level masses that include residential, office, and/or hotel uses. Heights for towers are described as total building height, incorporating the podium heights. If a podium is built to less than its permitted maximum height, the “unused” podium height may be transferred to create additional stories and/or height for the tower structure.

#### 3.B.VIII.1 East Parcel

##### PODIUM HEIGHTS

The maximum podium height for parking garages is four (4) stories and sixty (60) feet from elevation two hundred ninety-eight (298) feet. (As mentioned in *Section 3.B.III, Permitted Accessory Uses*, one level of structured parking is permitted partially below grade.)

The maximum podium height for restaurants, cafes, residential lobbies, and service / loading areas is two (2) stories and 35 feet. The maximum podium height shall be 45 feet for the required museum and 40 feet for the required movie theater.

##### TOWER HEIGHTS

No more than two (2) towers, one on each side of the Central Green, shall be permitted on the East Parcel.

The maximum height for each tower is 47 stories and 576 feet (i.e., including a combination of residential tower and parking levels) from elevation two hundred ninety-eight (298) feet, i.e., the elevation above sea level on Martha Washington Way adjacent to the proposed entrance to the north tower.

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<sup>1</sup> Permitted obstructions shall include parapets, elevator overruns, chilling towers, window-washing infrastructure, and mechanical equipment / non-habitable penthouses.

### 3.B.VIII.2 West Parcel

No more than four (4) podium structures and four (4) towers shall be permitted on the West Parcel. Specific height limits for each of the three blocks of the West Parcel depend on the uses within the buildings, and are described next.

#### SOUTHEAST BLOCK

The maximum podium height is 99 feet, exclusive of permitted obstructions (as defined in Section 3.B.VIII), and is further limited by the permitted uses contained within the podium, as follows.

- Retail use shall occupy the first floor (see Section 3.B.IV, *Regulations for First-Level Uses*), with a maximum height of 22 feet (inclusive of any *mezzanine space*); and may occupy the second floor (see Section 3.B.V, *Maximum Amount of Development*), with a maximum height of 22 feet (inclusive of any *mezzanine space*); for a total maximum retail height of 44 feet.
- Parking may occupy up to five (5) levels, up to 11 feet each, for a total maximum height of 55 feet. Up to two of these parking levels may share floors with second-level retail space.

No other building mass is permitted above the podium in the area within 100 feet of Main Street, except for permitted obstructions (as defined in Section 3.B.VIII).

More than 100 feet from Main Street, up to two towers are permitted above the podium, as follows:

- The towers may include up to eight (8) levels of residential up to 12 feet each.
- Total tower height (inclusive of podium levels below, but exclusive of permitted obstructions (as defined in Section 3.B.VIII) shall not exceed 13 floors and 176 feet.

#### SOUTHWEST BLOCK

If the total width of Hudson Street right-of-way is 60 feet (pursuant to Section 3.C.1.7) then the maximum podium height is 121 feet, exclusive of permitted obstructions (as defined in Section 3.B.VIII), and is further limited by the permitted uses contained within the podium, as follows:

- Retail shall occupy the first floor (see Section 3.B.IV, *Regulations for First-Level Uses*), with a maximum height of 22 feet (inclusive of any *mezzanine space*); and may occupy the second floor (see Section 3.B.V, *Maximum Amount of Development*), with a maximum height of 22 feet (inclusive of any *mezzanine space*); for a total maximum retail height of 44 feet.
- Parking may occupy up to six (6) levels, up to 11 feet each, for a total maximum height of 66 feet. Some of these parking levels may share level(s) with upper-level retail or Entertainment Retail space.
- Entertainment Retail uses may occupy up to two (2) levels, up to 44 feet high each, for a total maximum height of 88 feet.

Residential uses may occupy up to four (4) levels at 12 feet each, for a total height of 48 feet.

If any permitted Entertainment Retail use is provided within the Southwest Block, the Hudson Street right-of-way may be decreased to 48.5 feet (see *Section 3.C.I.7*), provided that the following requirements are also met:

- The height of the podium on the Southwest Block shall not exceed 88 feet (see *Section 3.B.VIII.2*).
- Parking is provided on no more than two levels, up to 11 feet each, including any portion of a level.
- In order to provide light and air to Hudson Street, a ten (10)-foot setback shall be provided along Hudson Street above the maximum two levels of parking (or portions of two levels with parking); or above sixty-six (66) feet, whichever is lower, pursuant to *Section 3.B.X.I*.

No towers are permitted on the Southwest Block.

#### **NORTH BLOCK**

The maximum podium height is 99 feet, exclusive of permitted obstructions (as defined in *Section 3.B.VIII*), and is further limited by the permitted uses contained within the podium, as follows.

- Retail shall occupy the first floor (see *Section 3.B.IV, Regulations for First-Level Uses*), with a maximum height of 22 feet (inclusive of any *mezzanine space*); and may occupy the second floor (see *Section 3.B.V, Maximum Amount of Development*), with a maximum height of 22 feet (inclusive of any *mezzanine space*); for a total maximum retail height of 44 feet.
- Parking may occupy up to seven (7) levels, up to 11 feet each, for a total maximum height of 77 feet. All levels of parking may share floors with residential, hotel and office uses and up to two (2) of these parking levels may share floors with second-level retail space.

Up to two towers are permitted above the podium, as follows.

- The towers may include residential, hotel, and/or office uses on each floor (pursuant to the limitations of square footage for each use, in *Section 3.B.V.2*).
- Residential and hotel uses shall not exceed 12- and 13-foot floor heights, respectively, while office uses shall not exceed 14-foot floor heights.
- Total tower height (inclusive of podium levels below, but exclusive of permitted obstructions (as defined in *Section 3.B.VIII*)) may not exceed 19 floors and 267 feet.

### 3.B.VIII.3 Rooftop Appurtenances

Every effort shall be made to cluster rooftop appurtenances. Rooftop appurtenances shall be completely screened from street view on all sides using building materials that are complementary to the tower elements of the building below.

On rooftops of both podium and tower structures, permitted obstructions (as defined in Section 3.B.VIII), including rooftop appurtenances, may cover no more than twenty-five (25) percent of the roof area, exclusive of any inhabitable structures and Borough's equipment enclosures, with heights limited to 35 feet above the roof slab.

The materials used for screening purposes shall not be counted toward roof coverage. Coverage created as a result of "green" technology installations (e.g., vegetation, solar panels, etc.) shall be exempt from the overall coverage calculation.

Rooftop mechanical equipment shall be stepped back at least ten (10) feet with respect to the façade plane of the building level immediately below it.

At the Borough's request, any developer shall provide, at the developer's cost, a room enclosure of not more than 200 square feet on the rooftop of one tower on each of the East and the West Parcels, that the Borough can outfit, at the Borough's cost, with emergency broadcast / repeater antennas, as well as any wires, cabling (which, if timely provided by the Borough, the developer can run from the base of the building to the roof) or other equipment required to service such facilities. The developer shall allow the Borough to tie into a building's standby generator to power such equipment in an emergency. The Borough shall notify developers of such requirements prior to the completion of design development so they can be incorporated into the developers' construction drawings. Such requirements shall not unreasonably interfere with the design or operation of the buildings. Any additional terms and conditions for such equipment or facilities shall be addressed in the Redevelopment Agreement with each developer.

### 3.B.IX Building Setbacks

A setback is the minimum required distance between all levels of a structure and an imaginary line drawn at the curb line. The setback area is required to remain free of structures. The following setbacks are required along all street-facing frontages. Setbacks apply to all floors, including parking levels. See also Section 3.B.X, *Upper Level Setbacks & Projections*, for additional requirements in the West Parcel.

Minimum required sidewalk widths are described in Section 3.C.I, *Streets*. Where a street's existing sidewalk is narrower than required in Section 3.C.I, *Streets*, the building setbacks required below are designed to create effective sidewalk widths equal to or greater than the minimum required width.

#### 3.B.IX.1 East Parcel

Setbacks for the East Parcel shall be measured from the front of curb. Setback areas include required sidewalk widths (Section 3.C.I).

**FROM MARTHA WASHINGTON WAY**

Setbacks for lobbies and upper-story residential uses shall be a minimum of 25 feet and a maximum of 75 feet.

Setbacks to retail and dining uses shall be a minimum of 40 feet and a maximum of 100 feet (however, see separate requirement for required theater, below).

Setbacks to portions of parking garage structures that are not hidden behind other uses at the first level shall be a minimum of 75 feet and a maximum of 150 feet.

Setbacks to the required movie theater or other public use at the corner of Main Street shall be a minimum of 20 feet and a maximum of 40 feet.

**FROM MAIN STREET**

Setbacks to the museum or public space shall be a minimum of 15 feet and a maximum of 25 feet.

Setbacks to towers shall be a minimum of 50 feet.

Setbacks to the required movie theater or other public use (as defined in *Section 3.B.II.1*) at the northeast corner of Main Street and Martha Washington Way shall be a minimum of ten (10) feet and a maximum of 20 feet. (For more information on theater siting, see *Section 3.B.V.1, Maximum Amount of Development / East Parcel*.)

Setbacks to portions of parking garage structures that are not hidden behind other uses at the first level shall be a minimum of five (5) feet and a maximum of 65 feet.

**FROM BRUCE REYNOLDS BOULEVARD**

Setbacks to all structures shall be a minimum of 25 feet and a maximum of 70 feet.

**FROM CENTRAL ROAD**

Setbacks to all structures shall be a minimum of 10 feet and a maximum of 110 feet.

**3.B.IX.2 West Parcel**

Setbacks for the West Parcel shall be measured from the front of curb. Setback areas include required sidewalk widths (*Section 3.C.1*).

**FROM MARTHA WASHINGTON WAY**

Setbacks between Central Avenue and Main Street shall be a minimum of ten (10) feet and a maximum of twenty (20) feet.

Setbacks between Central Avenue and Bruce Reynolds Way shall be a minimum of ten (10) feet and a maximum of 48 feet. This greater setback range is necessary to accommodate a passenger drop-off area and a shift in the Martha Washington Way alignment to connect to the George Washington Bridge approach roads.

**FROM MAIN STREET**

Setbacks between Lemoine Avenue and Hudson Street shall not be required, provided, however, if Block 4851, Lot 5 does not become a passive public park, the setback and/or fire rated separation walls established by the Uniform Construction Code shall be provided. Setbacks between Hudson Street and Martha Washington Way shall be a minimum of ten (10) feet and a maximum of 28 feet.

**FROM LEMOINE AVENUE**

Setbacks on the east side of Lemoine Avenue shall be a minimum of 15 feet and a maximum of 25 feet.

**FROM HUDSON STREET**

Setbacks on both sides of Hudson Street shall be a minimum of ten (10) feet and a maximum of 26 feet.

**FROM CENTRAL AVENUE**

Setbacks on the north side of Central Avenue shall be a minimum of ten (10) feet and a maximum of 38 feet.

*Setbacks on the south side of Central Avenue shall be a minimum of ten (10) feet and a maximum of 20 feet.*

**FROM BRUCE REYNOLDS BOULEVARD**

Setbacks to all structures shall be a minimum of ten (10) feet and a maximum of 48 feet.

### 3.B.X Upper-level Stepbacks & Projections

A **stepback** is a required horizontal separation between the facade plane of designated upper level(s) of a building and the facade plane of the lower level(s) of the same building. The purpose of a **stepback** is to create more light and air on the street and sidewalk by increasing the horizontal separation of upper building masses from the public right-of-way. **Stepbacks** also help reduce the perceived bulk and height of buildings, from a pedestrian's perspective, by "stepping back" the upper mass of buildings from the sidewalk. Stepbacks are required in certain areas within the West Parcel, as described further below in *Section 3.B.X.1, West Parcel Stepbacks*.

A **projection** is a permitted (but not required) horizontal extension of upper-level (i.e., above the ground floor) building mass into the air space above the public right-of-way. Projections are permitted only in very limited locations as described further below in *Section 3.B.X.2, West Parcel Parking Projections*, to accommodate structural and spatial challenges associated with parking garages.

#### 3.B.X.1 West Parcel Stepbacks

**Stepbacks** are required along street-facing frontages on certain upper levels of buildings within the West Parcel in order to break up the perceived bulk and height of upper-story parking levels in the podium. Stepbacks are measured with respect to lower facades, rather than to the public right-of-way. The following requirements apply.

Where a podium structure (see *Section 3.B.VIII, Building Height*) exceeds 44 feet in height, a setback of at least three (3) feet, and no more than five (5) feet, as measured with respect to the ground-floor façade plane of the building, must be provided. This setback shall be provided above either the second, third, or fourth floor of the building and shall then extend upwards through all higher levels of the podium structure. The setback must be provided regardless of the use in the building at the affected levels. The setback may be provided within or outside (behind) the required overall building setbacks described in *Section 3.B.IX, Building Setbacks*. However, the following exceptions apply:

- An upper-level setback is not required along the Lemoine Avenue and Martha Washington Way frontages for the North Block of the West Parcel; along these frontages, the building façade may extend upward in an unbroken plane, with no setbacks.
- A variation is permitted in limited locations within the West Parcel, whereby upper-level parking garages are permitted to project up to four (4) feet into the public right-of-way, as discussed next in *Section 3.B.X.2, "Parking Projections."*
- Where a podium structure is less than 44 feet in height, as measured at the roof deck level, no upper-level setback is required.
- On the Southwest Block, if Entertainment Retail is provided *and* the total width of the Hudson Street right-of-way is less than 60 feet, then a ten (10) foot setback is required along the Hudson Street frontage above the maximum two levels of parking (or portions of two levels with parking); or above sixty-six (66) feet, whichever is lower.

See also *Section 3.B.VIII.3, Rooftop Appurtenances* for setbacks on rooftop mechanical equipment and related facilities.

### **3.B.X.2 West Parcel Parking Projections**

In the West Parcel, any building levels that contain parking areas at the building perimeter (and only within the second through sixth levels of the building, i.e. up to five levels of parking) are permitted to project up to four (4) feet into the public right-of-way, but only along specified portions of the east side of Hudson Street and the south side of Central Avenue, as described further below. (This projection allowance only applies to upper levels containing parking; levels containing other uses shall not be permitted to project into the public right-of-way and are required to comply with the above setback (*Section 3.B.IX*) and setback requirements.) Specifically:

- On the east side of Hudson Street and on the south side of Central Avenue, up to 25 percent and 35 percent, respectively, of the linear frontage length of upper-level garage façades are permitted to project beyond the lower retail façade, up to a distance of four (4) feet into the public right-of-way.
- When parking level(s) project into the public right-of-way, as permitted per this section, the upper stories above such projecting parking levels are still required to be stepped back at least three (3) feet with respect to the ground-floor level of the building.

Service areas (*Section 3.D.IV, Service Area Screening*) do not count towards meeting the above-required minimum percentages.

## 3.C Circulation & Open Space

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### 3.C.1 Streets

The following are design standards and sidewalk right-of-way widths for the existing and new streets within the Plan Area. For all streets, the Plan requires larger total sidewalk widths as compared to current Borough standards (i.e., a minimum 6.5-foot width, or 5 feet if adjacent to private property that includes a landscaped buffer). In some instances, buildings will be required to be set back from the public right-of-way to create the necessary effective public sidewalk width (see *Section 3.B.IX* for required building setbacks).

#### 3.C.1.1 Martha Washington Way

Martha Washington Way shall have sidewalks, each of minimum width 10 feet, on both sides. The minimum clear width of the sidewalks shall be five (5) feet; the remainder of the sidewalk width shall accommodate street tree grates. A mid-block crosswalk with pedestrian crossing signal shall be provided where Central Avenue (a required new street; see *Section 3.C.1.6, Central Avenue*) intersects Martha Washington Way. A center planted median shall be provided, alternating with a center shared turning lane where necessary. On-street parking for use outside peak travel periods is optional.

#### 3.C.1.2 Lemoine Avenue

The sidewalk on Lemoine Avenue adjoining the West Parcel shall have a minimum width of 15 feet. The minimum clear width of the sidewalk shall be ten (10) feet; the remainder of the sidewalk width shall accommodate street tree grates.

Vehicular curb cuts and driveways leading to off-street parking are prohibited on Lemoine Avenue. However, breaks for intersections with new streets (Central Avenue) are permitted.

Where practical, use of several designated on-street parking spaces for retail loading on Lemoine Avenue during non-peak hours may be permitted, at the discretion of the State DOT. See *Section 3.C.1.7, Hudson Street*, regarding the impact of loading locations on the cross-sectional design of Hudson Street, and *Section 3.E.1.5, Storefront Design along Lemoine Avenue*, regarding the design of loading doors along Lemoine Avenue.

#### 3.C.1.3 Main Street

The sidewalk on Main Street adjoining the West and East Parcels shall have a minimum width of 10 feet. The minimum clear width of the sidewalk shall be five (5) feet; the remainder of the sidewalk width shall accommodate street tree grates.

Vehicular curb cuts and driveways leading to off-street parking are prohibited on Main Street in the West Parcel. However, breaks for intersections with new streets (Hudson Street) are permitted along Main Street in the West Parcel. In the East Parcel, one vehicular curb cut leading to off-street parking and one vehicular curb cut for entry to a loading dock are permitted along Main Street.

On-street parking along Main Street is currently prohibited, but may be provided if new buildings are set back to maintain the same minimum sidewalk width and number of travel lanes as in the current configuration.

### **3.C.1.4 Bruce Reynolds Boulevard**

On-street parking is encouraged along Bruce Reynolds Boulevard where site conditions permit.

The sidewalk on the side adjoining the West and East Parcels shall be of minimum width ten (10) feet, including a planting strip. The minimum clear width of the sidewalk shall be five (5) feet. One vehicular curb cut for entry to a loading dock is permitted in the East Parcel along Bruce Reynolds Boulevard.

### **3.C.1.5 Central Road**

Central Road was realigned at its southern terminus to align with Federspiel Street and now curves eastward at its southern intersection with Main Street. As a result, a "peninsula" area was created at the northwest corner of Main Street and Central Road, which was added to the Redevelopment Area for the East Parcel.

The sidewalk along Central Road between Bruce Reynolds Boulevard and Main Street shall have a minimum width of 10 feet except in areas of rock outcroppings. The minimum clear width of the sidewalk shall be five (5) feet; the remainder of the sidewalk width shall accommodate street tree grates. On-street parking is encouraged along Central Road where site conditions permit.

Three curb cuts to serve new development in the East Parcel are permitted on Central Road. In addition, the southernmost new curb cut shall also provide for maintenance access to the planned pump station, at the northwest corner of Main Street and Central Road.

### **3.C.1.6 Central Avenue**

Central Avenue shall be a new roadway extending from Lemoine Avenue to Martha Washington Way, south of Bruce Reynolds Boulevard. (Note that similarly-named roads in the vicinity include Central Road, east of the site; and Center Avenue, one block west of Lemoine Avenue.) Hudson Street shall terminate at Central Avenue.

Central Avenue shall have sidewalks on both sides of the street, each with a minimum width of 10 feet; one travel lane in each direction; and one center shared turning lane that shall alternate with a planted median where possible. On-street parking is optional. The minimum clear width of the sidewalks shall be five (5) feet; the remainder of the sidewalk width shall accommodate street tree grates.

**3.C.I.7 Hudson Street**

The original Hudson Street was vacated by the Borough and shall be relocated to the west of its former location as a new roadway extending from Main Street to the new Central Avenue.

The Hudson Street right-of-way shall be apportioned as shown in *Table 1, Table 2, or Table 3* below depending on where loading spaces are located and the types of uses within the Southwest Block, as described further below. Hudson Street may provide on-street loading spaces to serve retail uses in the Southwest Block. Figure 6 in the Appendix illustrates each of these right-of-way configurations.

- If no permitted Entertainment Retail use is provided in the southwest block, the Hudson Street right-of-way width shall be 60 feet.
- If any permitted Entertainment Retail use is provided within the Southwest Block, the Hudson Street right-of-way may be decreased to 48.5 feet, provided that the following requirements are also met:
  - The height of the podium on the Southwest Block shall not exceed 88 feet (pursuant to *Section 3.B.VIII.2*).
  - Loading shall be permitted and provided on Lemoine Avenue.
  - Parking is provided on no more than two levels, including any portion of a level on the Southwest Block.
  - In order to provide light and air to Hudson Street, a ten (10)-foot setback shall be provided along Hudson Street above the maximum two levels of parking (or portions of two levels with parking); or above sixty-six (66) feet, whichever is lower, pursuant to *Section 3.B.X.I*.

**Table 1. Hudson Street Right-of-way Configuration if loading is prohibited on Lemoine Avenue**

<b>Sidewalks</b>	Two, each 10' wide
<b>Parking lanes</b>	One at 10' wide on SW side to accommodate truck loading, one at 8' wide on SE side
<b>Travel lanes</b>	Two, each 11' wide
<b>Total cartway width</b>	40 feet
<b>Total ROW width</b>	60 feet

**Table 2. Hudson Street Right-of-way Configuration if loading is permitted on Lemoine Avenue**

<b>Sidewalks</b>	Two, each 11' wide
<b>Parking lanes</b>	Two at 8' wide each
<b>Travel lanes</b>	Two, each 11' wide
<b>Total cartway width</b>	38 feet
<b>Total ROW width</b>	60 feet

Table 3. Hudson Street Right-of-way Configuration with Entertainment Retail uses in Southwest Block (see Section 3.C.1.7).

Sidewalks	Two, each 10' wide
Parking lanes	One at 8' wide on southeast side of street
Travel lanes	Two, each 10' 2.5" wide
Total cartway width	28 feet, 5 inches
Total ROW width	48 feet, 5 inches

Parking shall be provided on Hudson Street according to *Table 1, Table 2, or Table 3* as appropriate. Parking lanes help separate pedestrians on the sidewalk from traffic. Bulb-outs shall be provided at both ends of Hudson Street, marking the ends of the parking lane(s). On-street parking shall be prohibited for the 100 feet closest to Main Street on the west side of Hudson Street. Bulb-outs are also permitted along the interior of the Hudson Street block, where desired, to create wider effective sidewalk widths for outdoor dining and seating.

As with other streets in the Plan Area, the minimum clear width of the sidewalks along Hudson Street shall be five (5) feet or more; the remainder of the sidewalk width shall be used to accommodate landscaping, including street tree grates and, where applicable, outdoor dining and seating.

Hudson Street shall be designed in the spirit of a "woonerf"<sup>2</sup> so as to create a pedestrian-friendly, multi-functional space with traffic calming features. While at most times the street will permit vehicular through-traffic, it will also be possible to close it off at the Redeveloper's discretion, through movable bollards, for street fairs, "sidewalk" sales, and other activities that make it a significant new public space amenity for the area. The cartway of Hudson Street shall have textured paving to slow vehicular traffic.

Vehicular curb cuts and driveways are prohibited on Hudson Street.

### 3.C.II Streetscape Improvements

All existing above-ground utility wires and facilities that remain on the developer's property shall be relocated underground, and any new utilities on the developer's property shall be located underground.

<sup>2</sup> A *woonerf* is a progressive urban design and planning concept for street design, originally developed in the Netherlands. As used in this *Redevelopment Plan*, a *woonerf* is a traffic-calmed street designed to give priority to pedestrians, and optionally cyclists. The techniques of shared spaces, traffic calming, and low speed limits are intended to collectively improve safety for pedestrian, bicycle, and automobile. Textured paving, bulb-outs or other traffic calming devices that serve to narrow the visual or actual width of the cartway, minimal height changes between cartway and sidewalks, and ample tree plantings and landscaping all serve to slow down automobile traffic and alert drivers that this is a shared, multi-modal space.

Where street trees are not currently provided, they should be planted, at approximately 30 feet on center and subject to a twenty (20) percent variance for placement, along the curbside edge of the public sidewalk on all streets. Exceptions to the 30-foot spacing are allowed for curb cuts to parking areas, lobby entrances, and utility facilities located within the sidewalk area. All other design details of the Borough's *Commercial Streetscape and Sidewalk Guidelines* for street tree planting and spacing, tree wells, grates, sidewalk paving materials, benches, litter receptacles, etc. shall be followed. It is permissible for the style of light poles and fixtures to vary from said guidelines only if the Planning Board determines that such poles and fixtures complement the overall architectural theme of the West Parcel.

In addition, bicycle racks, each capable of holding six (6) or more bicycles, shall be provided outdoors on each block face of Main Street, Lemoine Avenue, and Martha Washington Way in both the East and West Parcels within 100 feet of shared or major building entrances. Bicycle racks may be located on public rights-of-way or within building setbacks, but shall not obstruct the minimum required clear width along sidewalks.

### 3.C.III Open Space

#### 3.C.III.1 East Parcel

##### CENTRAL GREEN

###### Size

A new "Central Green" shall be created within the East Parcel, extending from Martha Washington Way to Central Road and flanked by the parking garages and towers of the two building clusters on this Parcel. The Central Green shall have a minimum size of 1.75 acres, including areas used for perimeter pathways between the landscaped areas of the Central Green and the adjoining base structures, but excluding public sidewalks along Martha Washington Way and Central Road. All walkways within and around the Central Green shall have a minimum clear width of four (4) feet. *Figure 7* in the Appendix provides an illustrative landscape plan for the East Parcel.

###### Connection to Streets

The Central Green's connection to Martha Washington Way shall be at-grade. One stepped and handicapped-accessible pedestrian connection shall be provided at the north or south end of the Central Green along Central Road, to accommodate the likely grade change at this eastern end. The berm or other structural feature that is likely necessary to accommodate the grade change here shall be designed as an attractive amenity, with features such as rusticated stonework, uplighting, and decorative plantings. The pedestrian connection between the Central Green and the street shall be generously proportioned and designed with high-quality materials to create an attractive pedestrian amenity.

###### Eastern Terminus and Building Coverage

Because the existing buildings on the east side of Central Road (i.e., outside the Redevelopment Area boundary) are only two and three stories high, and sit at a lower grade than the Central Green, the Central Green shall include tall plantings, a retail/dining structure, and/or other architectural

features that create a visual terminus and focal point to the eastern end of the Central Green. Examples of such features include tall hedgerows, trellises, columns, kiosks, stand-alone restaurants, band shells, large sculptures, rock outcroppings, etc. However, the area used for any covered structures within the Central Green shall not exceed thirteen (13) percent of its land area or 10,000 square feet, whichever is smaller, and no individual structure shall exceed 7,000 square feet in footprint.

The restaurants and cafes located at the perimeter of the Central Green or other covered structures provided within the Central Green shall have a largely glazed, transparent appearance so as to create the impression of sitting lightly within the Green and creating a strong indoor / outdoor connection. Dining structures shall include outdoor seating on terraces and/or patios, as well as pedestrian entries facing into the Green, so as to further increase the connection to the Green. Rooftop dining and raised terrace dining are encouraged as a means to further enhance pedestrian activity levels within the Green. Any mechanical or other service equipment necessary for such structures shall be screened within the structure and shall be located so as to minimize its visibility from the largest proportion of the landscape areas of the Green.

#### Screening of Adjacent Parking

The bulk and appearance of the parking garages that flank the Central Green shall be visually downplayed by means of active uses (see *Section 3.B.IV, Regulations for First Level Uses*) or architectural screening (see *Section 3.D.III, Parking Screening*).

The topography and landscaping of the Central Green shall serve to create a permanent screen to the lowest level of adjacent parking garage mass, as follows. The landform of the Green shall be sculpted into a "bowl" shape with the lowest elevations generally in the middle, with undulating berms / mounding / hillocks that rise up against the lowest level of the parking garage at the Green's perimeter, hiding any first level garage walls. Such berms / mounding / hillocks shall have an average minimum height of four (4) feet for at least 65 percent of the length of each garage's frontage bordering the Green. Rock outcrops and landscaping in a variety of heights, textures, colors, and evergreen / deciduous species shall be included to soften and create variety within the berms / mounding / hillocks. Garage rooftop drainage shall be managed so as not to preclude the use of such berms / mounding / hillocks.

#### Landscape Features

In addition to the berms / mounding / hillocks that disguise adjacent garage walls (discussed in the paragraph above), the Central Green shall include several other features:

- Near its center, a pond or similar water feature of minimum size 3,000 square feet shall be provided, with an irregular border, naturalistic plantings, and decorative hard or soft edging. Such water feature shall include water in three or four seasons, and shall not be designed as a stormwater management feature that turns dry during periods of no rain. If possible, the water feature shall drain into runnels and/or streams that traverse and meander throughout the Green.
- The grading of the Green shall be sculpted in naturalistic forms so as to channel runoff into a series of attractive and functional landscape amenities including bioretention swales, rain

gardens, and the aforementioned pond. Uniformly geometric engineering-style landforms and water retention / infiltration features are prohibited.

- The Green shall include a series of meandering pathways that criss-cross the open space, including a walkway across the aforementioned pond, surfaced with high-quality decorative pavers.
- Plantings within the Green shall be largely informal and naturalistic, rather than geometric and formal, and shall be arranged in a variety of groupings that create different micro-environments and places within the Green.
- Grasses, shrubs, and trees shall all be included, and species shall include a variety of deciduous and evergreen types so that greenery and visual interest is preserved in wintertime.
- Trees shall be of significant caliper size when planted so as to immediately begin to create the intended effect.

*Figure 8* provides park views of the Central Green and landscape screening of the parking garage.

#### ENTRY SPACES

On the east side of Martha Washington Way, two major vehicular entryways / driveways leading to the parking garages and tower pedestrian entrances shall be provided. Each driveway shall have the form of a circular loop or roundabout, enhanced with landscaped center islands having water features, sculptures, or other focal point features, that serves to calm traffic by creating an indirect path from the street to the garage. The landscaping and other decorative features of the entryways shall also serve to soften or distract from the exposed parking garage facades facing Martha Washington Way. Pedestrian sidewalks shall be provided around the portions of the perimeter of each entryway not traversed by vehicles, and shall link to pathways within the Central Green and pathways that connect to the sidewalk along Martha Washington Way. The balance of the entryway perimeter shall be paved with decorative or textured paving that delineates a pathway but that can be travelled over by vehicles. The vehicular roadway of the entryways shall be paved with decorative, textured paving materials so as to create an attractive surface that slows traffic speeds.

#### ANCILLARY OPEN SPACES AROUND PARKING GARAGES

In addition to the Central Green, the remainder of open space areas within the East Parcel shall be decoratively and attractively landscaped so as to soften the character of the East Parcel and distract from the parking garage masses. Such ancillary landscaped areas include the areas between the vehicular entryways and Martha Washington Way; setback areas between parking garage masses and perimeter sidewalks; and setback areas separating lobbies, the museum, movie theaters, and other ground-floor uses from perimeter sidewalks. These ancillary landscaped areas shall include low grasses, flowering plants, bushes and other woody species, and tree plantings, with a variety of deciduous and evergreen species, so that greenery and visual interest are preserved in wintertime. These ancillary landscaped areas shall also include rock outcroppings and rock retaining walls to provide further variety and to link the character of the spaces to that of the Central Green.

### 3.C.III.2 West Parcel

#### HUDSON STREET

As described earlier (*Section 3.C.I.7, Hudson Street*), a new street, Hudson Street, shall be created in the West Parcel. The street shall be designed in the spirit of a “woonerf,” as referenced herein, making it a significant new public space amenity for the area.

## 3.D Parking & Loading

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### 3.D.I Parking Ratios

#### 3.D.I.1 Standard Ratios

In the absence of an approved shared parking program, the following parking ratios apply. Note that the ratios included within this section are meant to better reflect local conditions consistent with the methodology contained in N.J.A.C. 5:21-4.14(c) of the Residential Site Improvement Standards (RSIS). That section states that factors affecting minimum number of parking spaces include household characteristics, availability of mass transit, urban versus suburban location, and available off-site parking resources.

- Residential uses shall follow RSIS for high-rise construction, namely: a minimum of 0.8 parking spaces per unit for studios and one-bedrooms, 1.3 spaces per unit for two-bedrooms, and 1.9 spaces per unit for three-bedrooms.
- Retail, restaurants and cafés, and health clubs that are separate from hotel or residential use: at least 1 space for every 300 square feet of indoor space exclusive of any mezzanine space pursuant to *Section 3.B.I.2*.
- The required museum in the East Parcel may share parking with the theater in the East Parcel.
- The required movie theater or other public use at the northeast corner of Martha Washington Way and Main Street, in the East Parcel: at least 35 indoor garage spaces.
- Any entertainment use not listed above that may be included on the West Parcel: at least 4.0 spaces per 1,000 square feet net floor area.
- Office uses: at least 3.0 spaces per 1,000 square feet.
- Hotel uses: at least 0.8 space per room.
- Uses associated with Open Space: none required.

#### 3.D.I.2 Shared Parking

A Shared Parking approach is permitted and encouraged as a means to reduce the total parking supply that would be required otherwise based on the above parking ratios. Shared Parking takes advantage of variation in the periods of maximum usage among different land uses, allowing

different uses to share the same given parking spaces if they have different time-of-day or day-of-week peak usage patterns.

If a Shared Parking approach is followed, the developer shall provide a Shared Parking study for review and approval by the Planning Board, documenting the rationale and calculations for the lower parking supply. The study shall include survey statistics and factors documenting the requested reductions in parking supply. Provision of car sharing services, such as Zipcar, may also be accepted, at the Planning Board's discretion, as a contributing means to reduce the total parking supply.

### 3.D.II Parking Location

At the discretion of the Planning Board, a portion of retail parking may be provided on the sides of existing public streets and new streets created within the Plan Area (namely, Hudson Street and Central Avenue) that adjoin the retail uses they are intended to serve. All remaining parking spaces shall be provided off-street in structured garages.

### 3.D.III Parking Screening

The following describes where either or both of two options for screening structured parking areas is required. The two options, *Option 1, Screening by Principal Permitted Uses*, and *Option 2, Screening by Architectural Detailing*, are described in *Section 3.D.III.3, Parking Screening Options*.

#### 3.D.III.1 East Parcel

The following regulations apply to parking garages in the East Parcel.

- Parking garage facades facing Main Street shall be screened from view using either *Option 1, Screening by Principal Permitted Uses (i.e., the required movie theater)*, or *Option 2, Screening by Architectural Detailing, Technique Four*.
- At least 27 percent of the length of an individual parking garage facade, and 30 percent of both parking garage facades facing Martha Washington Way, regardless of their setbacks from Martha Washington Way, shall be fully hidden behind principal permitted uses, to a minimum height of 22 feet above grade, using *Option 1, Screening by Principal Permitted Uses*. The remainder of all parking garage facades facing Martha Washington Way, with the exception of vehicular entrances, shall be screened with *Option 2, Screening by Architectural Detailing, Technique Four*.
- Parking garages facing Central Road and Bruce Reynolds Boulevard shall be screened from view using *Option 2, Screening by Architectural Detailing, Technique Four*.
- Parking garage facades facing the required Central Green shall be screened from view using either *Option 1, Screening by Principal Permitted Uses*, or *Option 2, Screening by Architectural Detailing, Technique Four*.

- *Section 3.C.III.1, Central Green*, describes further requirements for landscaping and berming / hillocks / mounding of the Central Green that are intended to help further screen the lower levels of the garage.

### 3.D.III.2 West Parcel

No parking spaces are permitted within the ground floor of buildings on the West Parcel.

All parking levels above the ground level shall be screened from view of streets and open space using *Option 1, Screening by Principal Permitted Uses*, or *Option 2, Screening by Architectural Detailing, Techniques One, Two, or Three*. Specifically:

### 3.D.III.3 Parking Screening Options

#### OPTION 1: SCREENING BY PRINCIPAL PERMITTED USES

Under this option, parking areas shall be located behind principal permitted uses (“behind” meaning as viewed from the street or open space that is intended to benefit from the screening). Principal permitted uses shall be at least 30 feet deep in order to serve as parking screening.

#### OPTION 2: SCREENING BY ARCHITECTURAL DETAILING

Under this option, parking areas shall be articulated and screened from view of streets or open space through architectural detailing that creates an attractive, harmonious, and visually distinctive façade, using one of the four following Techniques, as well as the requirements listed as *Common to All Techniques*. Allowable Techniques for each location are described above in *Section 3.D.III.1, East Parcel*, and *3.D.III.2, West Parcel*.

##### Technique One: Traditional Massing

- The portion of the façade that screens the parking area shall be broken into 30- to 60-foot structural bays, in the same manner as described in *Section 3.E.1.1, Building Massing / Podium Structures/ Vertical Massing / Bays*, below.
- The lower level(s) of above-grade parking shall be designed to “read” as a base to the building, using, for example, a belt course or horizontal masonry banding to create a more detailed pedestrian-scale base.
- The parking façade shall use a similar or complementary type and quality of materials as the non-parking portions of the building below or above.
- Large areas of blank, solid walls are prohibited.
- Glazing and/or decorative metal grilles are encouraged in window openings. Glazing should mimic traditional building window detailing.
- The size, spacing, and enframing of garage window openings shall be similar to those of any non-parking façade windows of the building above the parking levels. Furthermore, the pattern of garage window openings shall generally align vertically with the pattern of non-parking windows of the building above.

**Technique Two: Full-Height Architectural Screen**

Under this technique, a full-height architectural screen (such as of a fine metal mesh, perforated metal, or glazing) shall be mounted to disguise exposed parking garage levels. Screening materials should not create a monotonous, monolithic plane to disguise an entire parking façade. Instead, parking screening shall include the following features that are intended to break up the scale and expanse of screened areas:

- Incorporate at least one of the following measures:
  - Breaks in volume and/or the façade plane, such as with horizontal clerestory glazed windows or open bands alternating with a metal mesh at each structure level.
  - Variations in texture, pattern, and materials within the screening material.
  - Projections, louvers, framing, gaps, and/or vertical fins to break up the screening façade both horizontally and vertically.
  - Provide a segmented, modular appearance, such as via clip-in unitized construction and visible support structures.
- Have sufficient thickness, fineness of texture, or translucency to soften or disguise the ventilation openings of the parking garage and the vehicles within, rather than permitting them to remain completely visible. (However, see *Section 3.E.II, Materials* regarding glazing permitted on different levels.) Large-scale and low-quality screening materials with large voids-to-solids ratio, such as chain-link fencing, are prohibited.
- Headlight glare to the exterior shall be screened.
- Optionally, the screening may be highlighted with graphics, accent lighting, or programmable LED lighting.

*Figure 9* in the Appendix provides examples of parking garage architectural screening similar to the design concepts described above, in terms of the level of detailing, articulation, and quality of materials.

**Technique Three: Retail Façade Extension**

Under this technique, the façades of ground-floor retail storefronts are extended upwards to cover a portion of the lowest two parking levels. The following requirements apply.

- **Technique Three** shall be used on each and every retail street-facing façade as follows.
  - At least 15 percent of the retail façade length shall extend to be approximately 33-44 feet in height (as measured from base of ground-floor level), so as to cover at least one to two levels of parking above the retail ground floor.
  - At least 55 percent of the retail façade length shall extend to partially cover one to two levels of parking above the retail ground floor, equivalent to approximately 22 to 33 feet in height.

- ~~Above 44 feet in height, and~~ Where a Retail Façade Extension (Technique Three) does not extend vertically with sufficient height to fully cover all levels of parking facades, Techniques One or Two shall be used for the upper remainder of exposed parking facades.
- The retail façade extensions shall continue the overall pattern and massing of the street-level retail facades, with, for example, additional rows of windows creating the appearance of upper-story retail space, signage mounted high on the retail façade, accent lighting, etc. The façade extensions should follow the materials and architectural form of the individual storefronts, thereby continuing the variation in storefront design that is required in *Section 3.E.1.1, Building Massing / Podium Structures / Horizontal Massing / Base*.
- If necessary, a ventilation separation gap of up to five (5) horizontal feet may be provided between retail façade extensions and parking garage facades. This gap may be combined with the minimum three-foot setback that is required in most locations of the West Parcel (see *Section 3.B.X, Upper-Level Stepbacks*).

#### **Technique Four: Panelized Façade**

Under this technique, the garage shall be clad in a system of textured panels that emphasize the low, horizontal massing of the garage in the East Parcel, while creating a subtle variety and banding within the mass of the façade (both horizontally and vertically), with the greatest visual interest and refined scale at the lowest pedestrian-height level. The following techniques shall all be employed.

- Panels shall be of precast concrete.
- Each spandrel panel shall consist of an 18-inch high base section of light beige, smooth polished concrete; a 50 inch high exposed rough aggregate taupe middle section, and a four-inch high light beige, smooth polished concrete top section. Each spandrel shall be topped by attractive handrails consisting of 1-inch by four-inch aluminum tubes in dark green or black. Each spandrel panel shall have a depth of 12-inches.
- The framing system behind each panel spandrel shall be painted dark grey or black so as to recede.
- The panels shall be affixed in horizontal rows, except where necessary to follow the slope of a parking ramp.
- The spandrel panels shall be uniform in size with an average vertical height of six feet that will cover car headlights. No individual spandrel shall have a vertical height of greater than nine feet. The gaps between spandrel panels shall not exceed approximately three feet and shall serve as passive ventilation for the garage.
- The lowest level of the parking garage (where not permanently hidden behind berms / mounding / hillocks of the Central Green, as described in *Section 3.C.III.1, Central Green*) shall be textured concrete with the richest texture, variety, and other features so as to create visual interest for pedestrians. Coloration and texture at the lowest levels shall relate to the rock outcroppings and other hardscape features of the Central Green. The greatest attention to quality and variety must be employed at this lowest level to create a pedestrian scale.

This applies both to facades facing the Central Green as well as facades along perimeter streets and sidewalks.

- The garage façade shall be designed to relate to the landscape of the Central Green (see *Section 3.C.III.1, Central Green*), particularly the required berms / mounding / hillocks that rise up against the lowest level of the garage; as well as the landscaping of the other open spaces between the garages and the perimeter streets (see *Section 3.C.III.1, Ancillary Open Spaces around Parking Garages*). However, the overall expression of the garage facades shall be that of a quiet backdrop to the Central Green.

*Figure 10* in the Appendix provides a detailed section of a sample garage spandrel section/elevation and a rendering of one of the two garages at the Main Street lot line looking northeast.

#### Common to All Techniques

The pattern of windows / openings and detailing in parking façades shall disguise any internal ramps or sloping levels of the parking garage to the maximum extent possible so that they appear level.

Any glazed portion of screening façades shall meet the following requirements:

- If used to screen any parking on the first level (where permitted), glazing of window opening areas shall be translucent (allowing for shadows and silhouettes behind the glass). Transparent, clear-tinted, or reflective glazing is prohibited within window openings.
- If used to screen any parking provided above the first level, transparent, clear-tinted, translucent, and opaque glazing are permitted within window openings, and such glazing shall be compatible with the design theme of the retail façades. Reflective or mirrored glazing is prohibited within window openings.
- Other glazed portions of facades that are not window openings may have opaque glazing.

### 3.D.IV Service Area Screening

Any Service Areas (as defined in *Section 3.B.III, Permitted Accessory Uses*) at any building level shall be screened from view of public streets, using the same methods described in *Section 3.D.III.3, Parking Screening Options*, using either Option 1 or Option 2.

### 3.D.V Bicycle Storage

Each building shall provide a lockable storage room within the building for residents' bicycles.

### 3.D.VI Garage Entries

See *Section 3.C.I, Streets*, for limits on location of curb cuts to parking garages along certain streets.

Any garage doors shall be compatible with the building façade design, and shall include decorative metal mesh, solid and/or glazed paneling.

### 3.D.VII Loading

On both the East and West Parcels, one off-street loading area shall be provided for each separate podium structure, with the exception of the Southwest Block of the West Parcel, where on-street loading is permitted on Hudson Street and Lemoine Avenue (as described in *Section 3.C.1.7, Hudson Street* and further discussed in *Section 3.E.1.5, Storefront Design along Lemoine Avenue*).

Loading docks having immediate access from a public street (as opposed to being located deeper within a parking garage) shall be closed off from the adjacent street and sidewalk with roll-up doors, hydraulic doors, or gates with solid and/or glazed paneling that creates an attractive street-facing presence that complements the building façade design. Features such as multi-paned glass mullions; colored, textured and/or opaque glazing; and decorative metalwork are recommended to create visual interest in the loading dock façade.

Doors or gates for residential and office loading docks shall remain closed unless in active use. Door or gates for loading docks intended primarily for retail, hotel, and/or restaurant uses shall remain closed when not in active use and during evenings and weekends.

See *Section 3.C.1.7, Hudson Street* and *Section 3.E.1.5, Storefront Design along Lemoine Avenue* regarding the impact of loading on the cross-sectional design of Hudson Street.

#### 3.D.VII.1 Pump Station Screening

A pump station may be installed at the corner of Main Street and Central Road, within the "peninsula" area of the East Parcel that was created through the vacation / realignment of Central Road (i.e., to align with Federspiel Street). A curb cut for maintenance access will also be required.

The developer of the East Parcel shall provide an attractive fence and landscaping to completely screen this pump station, if installed, from view of the streets. Large monument-style signage for the East Parcel development is permitted as one of the screening devices within this pump station area.

## 3.E Design Standards

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### 3.E.I Building Massing

The following regulations for building massing apply to all podium and tower portions of buildings. (However, exposed parking garage levels are instead governed by *Section 3.D.III, Parking Screening*.)

#### 3.E.I.1 Podium Structures (West Parcel Only)

The design and detailing of these lower-level structures is critical to establishing a human-scale environment, with visual interest for pedestrians at the sidewalk and in public open spaces.

**HORIZONTAL MASSING**

In order to minimize the impacts of building bulk and height, buildings facades in podium structures (see definition in *Section 3.B.VIII, Building Height*) should provide for a differentiated building mass consisting of a base, middle, and top, as follows:

**Base**

- The base of the podium should be defined on the first one to two levels.
- The base of the podium should be highlighted architecturally to visually ground the building. For example, horizontal banding, belt courses, or variations in floor heights, along with retail storefronts and signage, building-mounted lighting, and awnings or canopies, should be used to highlight the base.
- Design for retail storefronts and other ground-floor permitted uses should create a vertical expression of multiple different businesses, arrayed side-by-side. Emphasis should be on the vertical separation between different storefronts or businesses. Transom glazing is encouraged above storefront windows and doors.
- The spacing and pattern of any retail storefronts or other ground-level uses should relate to the vertical bay pattern (discussed below) of any upper floors of the podium.

**Middle**

- The middle of the podium should be distinguished from the base and top by parapet and signage bands; stepbacks, and/or changes in material, cladding, or fenestration pattern.

**Top**

- The top of a podium should be defined and differentiated at the topmost floor(s) and/or the roofline. For taller podium structures (in excess of five levels of parking), the entire top one or two floors should be differentiated from lower floors by means such as contrasting and light-appearance materials, variation in fenestration pattern, stepbacks, etc.
- The roofline of the podium should be emphasized with coping, a parapet wall, balustrade and/or cornice. Rooflines at any required stepbacks should also include similar emphasis.

**VERTICAL MASSING****Bays**

The facade plane of the podium should be broken into 30 to 60 foot-wide vertical bays.

- Where appropriate, bays should be defined through elements such as columns, pilasters, gutters or expansion joints, changes in facade plane, size and rhythm of window spacing, pattern of balconies, and/or variation in surface material and pattern.
- Shallow or "Juliet" balconies (or balustrades) are permitted in podiums. Juliet balconies should include a fully-functional balcony door, and should be detailed to match any other true, recessed balconies in the same facade.
- Balconies over two (2) feet in depth (measured perpendicular to the facade plane) should be recessed within the primary facade plane.

- Terraces are permitted and encouraged within setbacks and other areas created by variations in building mass.

### 3.E.1.2 Tower Structures

#### EAST AND WEST PARCELS

The towers that sit atop the podiums shall be designed with both a more modern architectural form and a much higher proportion of façade glazing (75 percent or more) than the lower podiums. Given their vertical distance from the pedestrian realm of the street, the towers are not required to have as high a level of articulation and visual variety; however, the tower design should create high-quality, distinctive forms that enhance the Fort Lee skyline.

Solid facades with ribbon or punched windows shall not be used exclusively; however, solid facades with punched windows may be used in alternation with window wall construction to create a more varied façade composition.

The tower levels of a building shall be designed to be visually lighter than the podium levels, such as through a lighter color, contrasting material, or a larger proportion of glazing.

#### EAST PARCEL

Either window wall or curtain wall construction may be used for tower masses.

Tower facades may be diversified by changes in façade plane or angle. Tower rooflines may be highlighted by tall caps with chiseled recessed areas, accented with dramatic nighttime lighting.

*Figure 11* in the Appendix provides illustrative renderings for several alternative tower designs on the East Parcel, all of which reflect an acceptable design.

#### WEST PARCEL

Window wall, curtain wall, or ribbon wall construction, should be used for residential and hotel tower masses, as it affords greater expression of floor lines, window framing, and a more faceted, articulated façade. *Figure 12* in the Appendix provides examples of window wall construction and detailing.

Tower facades shall be accented and diversified by architectural expressions such as projections, changes in façade plane and massing, bays, curved and angled window shapes, brises-soleil (sunshades), and vertical fins.

The roofline of towers should be highlighted with projections, overhangs, or parapets that create a sense of a “cap” and that take advantage of the need for support structure for window-washing equipment. **Building Transparency**

### 3.E.1.3 Entries

Pedestrian building entries shall be clearly visible and highlighted within facades through projections, recessions and/or material changes, as well as canopies, awnings, overhangs, and /or lighting. Pedestrian entries shall face a street or a required open space.

Retail businesses located on the ground floor shall each have their own individual entrance from a sidewalk or walkway; mall-style interior retail entrances are prohibited. However, second-story retail may share a ground-floor entrance.

The podium buildings on the Southeast and North Blocks of the West Parcel shall be double-loaded with retail spaces along all four bounding street frontages. All interior and perimeter streets should have some retail entries, in order to distribute pedestrian activity around the site. Retail space along the southern edge of the Southwest Block of the West Parcel shall have entries and fully glazed retail-style storefront windows facing south. Entries for retail bordering Lemoine Avenue in the Southwest Block are governed by *Section 3.E.I.5, Storefront Design Along Lemoine Avenue*.

Restaurant and café spaces bordering the Central Green in the East Parcel shall have entries and fully glazed retail-style storefront windows facing the Central Green.

See also *Section 3.B.IV, Regulations for First Level Uses*.

### 3.E.I.4 Windows

Facades of Principal Permitted Uses located on the ground floor in all locations shall include plate glass windows as follows:

- Along Central Road in the East Parcel, such windows shall occupy at least fifty (50) percent of the ground floor façade area.
- Along all other street and open space frontages, such windows shall occupy at least sixty-five (65) percent of the ground-floor façade area below 22 feet in height.
- Corner uses having frontage on two streets shall have plate glass windows on at least 60 percent of ground-floor façade areas below 22 feet in height for *each* of the street frontages.

Facades of Principal Permitted Uses located on upper floors (i.e., above the ground floor) shall include plate glass windows as follows:

- In the West Parcel, taller retail façades beyond 22 feet in height may be used for merchandise display, signage, decorative, and screening purposes; depending on such types of use and design, retail façade extensions above 22 feet may have glazing areas varying from zero (0) percent up to the same percentage of retail façade area coverage below 22 feet in order to maintain the continuity of retail façade appearance.
- All other upper-floor façades, with the exception of garage areas and Entertainment Retail, shall have such windows occupying at least fifty (50) percent of their upper-story façade area.
- Entertainment Retail on the southwest block of the West Parcel shall have such windows occupying at least fifty (50) of their upper-story façade area on at least one façade wall. In order to minimize the impacts of a blank wall and establish a human-scale environment with visual interest for pedestrians at the sidewalk and in public open spaces, facades areas facing Hudson Street, Main Street or Central Avenue should include architectural detailing that creates an attractive, harmonious and visually distinctive façade. Large areas of blank, solid walls are discouraged.

**RETAIL STOREFRONT DESIGN**

Retail stores shall have a high quality and innovative design for their storefront, display windows, store interior, and signage. Storefront displays shall be designed to change over time to reflect a sense of freshness not only for the retailer but also for a sense of vitality along the street. The variety of merchandise displays along a series of storefronts should create a dynamic visual show for pedestrians. Transom or clerestory windows are encouraged above retail storefronts. *Figure 13* in the Appendix provides an illustrative rendering of the Hudson Street streetscape.

**RESTAURANT FAÇADE DESIGN**

Where appropriate, areas of restaurants and cafes adjacent to the storefront should be utilized for seating, food, and/or beverage display preparation (e.g. display kitchen, brewing tanks) or for customer circulation.

**3.E.1.5 Storefront Design along Lemoine Avenue****DOUBLE STOREFRONT DESIGN**

Due to the shallow depth of the block, the podium building on the Southwest Block of the West Parcel is anticipated to have several retail spaces that each extend from Hudson Street to Lemoine Avenue. The main pedestrian retail entrance to each such storefront shall open onto Hudson Street. Window displays and secondary (loading and/or emergency) doors shall be provided for each retail space along Lemoine Avenue. Storefront displays will help visually enliven the streetscape along Lemoine Avenue, where limited pedestrian entrances are anticipated.

Retail facades along Lemoine Avenue shall be comprised of clear glazing, signage, lighting, canopies / awnings, and other features as are provided along Hudson Street for the same retail stores, except for the portion of façade area devoted to secondary (loading and/or emergency) doors. The storefronts along Lemoine Avenue are further required to provide attractive retail storefront window displays that are equal in content, quality of presentation, and frequency of changeover / rotation to the same stores' displays along Hudson Street. Except in limited circumstances, no blank storefronts or translucent or opaque windows are permitted along retail facades of Lemoine Avenue, except for the portion of façade area devoted to secondary (loading and/or emergency) doors. The rear of storefront display cases / areas may have solid paneling or opaque glazing that blocks views deeper into the retail sales floor. Planters and landscaping are also encouraged along the Lemoine Avenue retail facades. All window displays fronting Lemoine Avenue shall have clear glazing while all secondary doors shall have translucent, opaque or spandrel glass.

**AWNINGS AND CANOPIES**

Awnings and canopies of fabric, metal, or glass are encouraged (but optional) over storefront and restaurant facades. Any awnings shall be flat or inclined; fluted, curved, and box-style awnings are prohibited. Internally illuminated awnings are prohibited. Awnings may project up to seven (7) feet into the public right-of-way and hard metal canopies may project up to ten (10) feet into the public right-of-way; provided that they shall not extend to within three (3) feet of tree grates. Additionally, awnings and canopies shall provide at least eight (8) feet clearance underneath at all points.

Awning and canopy placement should form an integral part of the building and should not obscure architectural features. Awnings should not be continuous across a series of bays, but rather should break at each pier or other vertical architectural element.

### 3.E.II Materials

The following material requirements apply to all façades of podium and tower masses.

- Glass; cast iron, steel, aluminum and other types of metal; as well as stone, masonry, brick, and fiber cement siding panels are preferred primary materials for façades. Within the primary materials, variations in colors, textures, and pattern may be employed to further break up the building bulk.
- Security grates, access panels, garage window grilles, and garage / loading doors should be enlivened with artwork, decorative tiling or ornamental metalwork where possible.
- Materials should be extended around corners and extensions in order to avoid a “pasted-on” appearance. All building facades adjacent to or easily visible from a public street, walkway, or open space should exhibit the same degree of architectural detailing as the adjacent façade(s).
- On podium structures, the following glazing material restrictions apply. Reflective or mirrored glass is prohibited. Translucent and tinted glass is permitted above the ground floor for energy-efficiency reasons. Translucent glass, which allows for shadows and silhouettes behind the glass, should be used in areas where light is to be admitted while direct views are obscured (such as screened parking areas or mechanical rooms), and shall be compatible with the design theme of the retail façade. Opaque glass is permitted including areas to conceal structural elements (for example, supporting columns and floor slabs) and maintain a glazed façade appearance.
- PTAC (Packaged Terminal Air Conditioners, through-the-wall air conditioning units), if used, shall be placed within a logical portion of a window framing unit and designed as integral to the window framing and definition, and shall be of a material and/or color to blend into the surrounding framing. Logos, brand names, and lettering over one inch in height are not permitted on the exterior of PTAC units.

### 3.F Signage

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Except as provided below, building and directional signage shall be pursuant to Article XII, Signage and Facades, of the Borough of Fort Lee Zoning code.

### 3.G Green Architecture

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#### 3.G.I Rooftop Decks & Landscaping

All rooftop areas over podium parking garage levels shall be designed to meet one or a combination of the following two requirements:

- Be designed as a green roof or a high-reflectance roof.
- Provide resident access and landscaping as follows:
  - At least 50 percent of the rooftop area shall be devoted to terrace or deck areas, swimming pools, seating areas, and similar features, to be accessible to all building residents;
  - The remainder (if any) of the roof area shall be attractively planted and landscaped to provide a visual and/or usable (walkable) amenity.

### 3.G.II LEED Certifiable-Design

As may be further defined in the Redevelopment Agreement, it is recommended that developers create site plans and building designs with features that would achieve a "Certified" or higher LEED status (i.e., Silver, Gold or Platinum) under one of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) building rating systems, such as the new LEED-ND for Neighborhood Development system or the LEED-NC for New Construction system. Rather than undergoing the formal paperwork process necessary for official LEED certification, developers are encouraged to pledge to incorporate environmentally beneficial features similar to those found in the various LEED rating systems.

For example, within the LEED-ND rating system, the inherent location and features of this site within Fort Lee should enable the East and West Parcels to attain all of the prerequisites. The project's intended density, mix of uses, pedestrian-friendly design, and other features required in this Redevelopment Plan would further permit the East and West Parcels to easily attain at least some points within other LEED-ND elements (though not necessarily the same points for each Parcel). These prerequisites and points could include:

- **Smart Location & Linkage Prerequisites:** Smart Location, Imperiled Species and Ecological Communities, Wetland and Water Body Conservation, Agricultural Land Conservation, Floodplain Avoidance
- **Smart Location & Linkage Credits:** Preferred Locations, Reduced Automobile Dependence, Bicycle Network and Storage, Housing and Jobs Proximity, Steep Slope Protection, Site Design for Habitat, Wetland, and Water Body Conservation
- **Neighborhood Pattern & Design Prerequisites:** Walkable Streets, Compact Development, Connected and Open Community
- **Neighborhood Pattern & Design Credits:** Walkable Streets, Compact Development, Mixed-Use Neighborhood Centers, Street Network, Transit Facilities, Transportation Demand Management, Access to Civic & Public Space, Access to Recreation Facilities, Visitability and Universal Design, Tree-Lined and Shaded Streets.
- **Green Infrastructure and Buildings prerequisites:** Minimum Building Energy Efficiency, Minimum Building Water Efficiency, Construction Activity Pollution Prevention.

- **Green Infrastructure and Buildings credits: Water Efficient Landscaping, Stormwater Management, Heat Island Reduction, Solar Orientation.**

By providing the Borough with a similar list of possible LEED credit areas that they expect to attain, with a brief description of each, the redevelopers will be able to demonstrate, and the Borough will be able to roughly quantify, the green features of the project.

## **4 RELATIONSHIP TO DEVELOPMENT REGULATIONS AND OTHER PLANS**

### **4.A Relationship to the Borough of Fort Lee Zoning Ordinance**

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This Redevelopment Plan shall supersede all provisions of the Zoning Ordinance of the Borough of Fort Lee, except where specific provisions of the Zoning Ordinance are expressly indicated as being applicable.

In all situations where zoning issues are not specifically addressed herein, the Fort Lee Zoning Ordinance shall, however, remain in effect. No "d" variance from the requirements herein in accordance with N.J.S.A. 40:55D-70 shall be cognizable by the Zoning Board of Adjustment. Adoption of this Plan by the Borough Council shall supersede the 2005 Redevelopment Plan and shall be further considered an amendment to the Borough of Fort Lee Zoning Map.

### **4.B Relationship to Master Plans of Adjacent Municipalities**

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The Borough of Fort Lee is bordered to the east by the Borough of Edgewater and the Hudson River, to the south by the boroughs of Cliffside Park and Ridgefield, to the west by the boroughs of Palisades Park and Leonia, and to the north by the City of Englewood and the Borough of Englewood Cliffs. None of these municipalities abut the redevelopment area. The closest municipality outside Fort Lee to the redevelopment area is Edgewater, which is located less than a mile to the southeast of the site. The redevelopment strategy proposed for this site is similar in its intent, purpose and practical implications to that which has been adopted for a number of large redevelopment sites in Edgewater.

### **4.C Relationship to the Bergen County Master Plan**

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Bergen County is in the process of updating its Comprehensive Plan the last revision of which was adopted in the early 1970s. The previously adopted plan speaks to the relationship and value of the County's highway access to higher density nonresidential development. The Comprehensive Plan's Existing Land Use Report dated June 1970 recognized that "highway construction has attracted large concentrations of commercial activity." It also stated that major highway routes have developed with more economically productive uses. The Future Land Use report, dated September 1971, recognized that development should be concentrated in areas with good highway access and stated that "the concentration of development along the County's major highways ... perform as destination areas rather than channels ...." It further stated that the County's major employment areas, including office development, are located on major highway routes. Finally, it recommended that future development in the County be directed toward such areas so as to "... optimize the use of the remaining open land." As the redevelopment area is one of the largest and most prominent pieces of remaining open land in southern Bergen County, has excellent highway access and is located in the midst of an already intense concentration of activity centered around a highway

corridor, the proposed development is substantially consistent with the adopted Bergen County Comprehensive Plan.

Although the new Bergen County Master Plan has not been released, the County Planning Department issued a document in May 2010 entitled *Bergen County Visioning Workshops: Summary of Discussions* which details the visioning process for the updated plan, as well as existing conditions in the County. This document notes that because Bergen County is a mostly developed county, future growth will primarily occur through redevelopment and infill. The document goes on to point out that redevelopment provides opportunities to create new public spaces and green areas in places that have none – an increasingly important indicator of quality of life – as well as to reduce impervious coverage and put in place more effective, naturalized mechanisms for reducing storm water runoff, increasing storm water retention and infiltration and improving water quality. Redevelopment on a large scale using green guidelines has the potential over time to significantly ameliorate many of the county's storm water run-off and water quality issues. The redevelopment area will create new public open space on the East Parcel, and will strive to incorporate other green measures in the design and construction. There is also the potential to create new public open space adjacent to the West Parcel. Thus, although the updated County Master Plan has yet to be issued, the Redevelopment Plan is substantially consistent with the ideas on which it will be based.

#### 4.D Relationship to the State Development and Redevelopment Plan

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Among the State Plan's intentions is to revitalize the state's existing urban areas by directing growth and development to those areas. On the State Plan Policy Map, the redevelopment area is located in the Metropolitan Planning Area, which is identified in the State Plan as an appropriate location for much of the State's new growth. By virtue of its excellent access and prominent location, the area is by all measures an appropriate location for new growth. The Redevelopment Plan will facilitate growth in this area.

The purpose of the Redevelopment Plan is to redevelop an underutilized and stagnant portion of Fort Lee, and its broad intention is to place unproductive lands into productive use in order to better serve the needs of residents and employees and revitalize the Borough's existing downtown. This Redevelopment Plan proposes the replacement of deteriorated, stagnant and unproductive land uses to enhance both the downtown and the other business areas surrounding the redevelopment area. Its objectives are therefore consistent with the goals, strategies and policies of the State Plan, in its stated goal to revitalize the State's cities and towns by protecting, preserving and developing the valuable human and economic assets in cities, towns and other urban areas.

## 5 REDEVELOPMENT ACTIONS

### 5.A Outline of Proposed Actions

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Construction of new structures and other improvements will take place as proposed in this Redevelopment Plan. Other actions that may need to be undertaken to implement the Redevelopment Plan may include the clearance of dilapidated, deteriorated, obsolete or underutilized structures or uses; provisions for public infrastructure necessary to service and support new development; and the creation and/or vacation of easements as may be necessary for redevelopment.

### 5.B Properties to be Acquired

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The Borough does not intend to use municipal funds to acquire any properties as part of this Redevelopment Plan. However, the Borough reserves the right to acquire any privately owned lots in the area should it be necessary to facilitate redevelopment.

### 5.C Easements

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No building shall be constructed over a public easement in the redevelopment area without prior written approval of the Engineer of the Borough of Fort Lee.

### 5.D Demolition

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It is required that the site be completely cleared of any buildings and parking lots and largely cleared of vegetation. However, existing parking lots shall not be removed until it is essential for the project to proceed. The Plan proposes a significant increase in density and intensity over the current conditions, and there is no reason to retain any of the existing structures, which are small-scale in character and in poor condition. The parking lots can also be removed. It is anticipated that all parking for the redevelopment area will be provided in parking structures rather than surface parking areas, and the frontage currently occupied by parking lots would be more appropriately utilized for buildings. Finally, because the site will be intensively developed, it is expected that most of the vegetation will need to be cleared. Any existing street trees should be evaluated against the standards for street trees in this plan to determine whether they need to be moved or replaced.

### 5.E Relocation

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Should the Borough acquire properties within the Redevelopment Area, it will undertake the following steps to provide for relocation:

- At the time of property acquisition, the actual extent of displacement will be determined.

- The Borough will comply with the requirements of the state's relocation statutes and regulations as applicable, and will provide all benefits and assistance required by law, if applicable.

## 5.F Other Actions

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In addition to the demolition, new construction and acquisition described above, several other actions may be taken to further the goals of this plan. These actions may include, but shall not be limited to: (1) provisions for public infrastructure necessary to service new development; (2) environmental remediation; (3) creation and/or vacation of public utility easements and other easements and rights of way as may be necessary for redevelopment.

## 6 GENERAL PROVISIONS

### 6.A Site Plan & Subdivision Review

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Prior to commencement of construction, site plans for the construction of improvements within the redevelopment area, prepared in accordance with the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and the Site Plan Ordinance of the Borough of Fort Lee, shall be submitted by the applicants for review and approval by the Planning Board of the Borough of Fort Lee so that compliance with the Redevelopment Plan can be determined.

Any subdivision of lots and parcels of land within the redevelopment area shall be in accordance with the requirements of this Redevelopment Plan and the Subdivision Ordinance of the Borough of Fort Lee.

No construction or alteration to existing or proposed construction shall take place until a site plan reflecting such additional or revised construction has been submitted to, and approved by, the Planning Board. This pertains to revisions or additions prior to, during and after completion of the improvements.

### 6.B Adverse Influences

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No use or reuse shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare.

### 6.C Non-Discrimination Provisions

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No covenant, lease, conveyance or other instrument shall be affected or executed by the Borough Council of the Borough of Fort Lee or by a developer or any of his successors or assignees, whereby land within the redevelopment area is restricted by the Borough Council of the Borough of Fort Lee, or the developer, upon the basis of race, creed, color, or national origin in the sale, lease, use or occupancy thereof. Appropriate covenants, running with the land forever, will prohibit such restrictions and shall be included in the disposition instruments. There shall be no restrictions of occupancy or use of any part of the redevelopment area on the basis of race, creed, color or national origin.

### 6.D Duration of the Plan

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The provisions of this Plan specifying the redevelopment of the redevelopment area and the requirements and restrictions with respect thereto shall be in effect for a period of fifteen (15) years from the date of approval of this plan by the Mayor and Council of the Borough of Fort Lee.

## 6.E Deviation Requests

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The Planning Board may grant variances allowing deviations from the regulations contained within this Redevelopment Plan where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan, would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the Redevelopment Plan. An application for a variance from the requirements of this Redevelopment Plan shall provide public notice of such application in accord with the requirements of public notice as set forth in N.J.S.A. 40:55D-12a and b.

Notwithstanding the above, any changes to the uses permitted in the Redevelopment Area or any change requiring a “d” variance in accordance with N.J.S.A. 40:55D-70 shall be permitted only by means of an amendment of the Redevelopment Plan by the Borough governing body, and only upon a finding that such amendment would be consistent with and in furtherance of the goals and objectives of the Plan.

## 7 PROCEDURE FOR AMENDING THE APPROVED PLAN

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of state law. If the designated redeveloper requests such amendment that redeveloper shall pay a fee of \$2,500, as well as reimburse the Borough for reasonable costs, fees and expenses to undertake such amendment, unless the request is issued from an agency of the Borough. The Planning Board, at its sole discretion, may require the party requesting the amendments to prepare a study of the impact of such amendments, which study must be prepared by a professional planner licensed in the State of New Jersey.

## 8 OTHER PROVISIONS

In accordance with N.J.S.A. 40A:12A-1 et seq., known as The Local Redevelopment and Housing Law, the following statements are made:

- The Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreation and community facilities and other public improvements. The Plan has laid out various programs and strategies needed to be implemented in order to carry out the objectives of this Plan.
- The Redevelopment Plan lays out the proposed land uses and building requirements for the redevelopment area.
- In the event that businesses in the redevelopment area must be displaced by the condemnation and/or acquisition of property by the Borough of Fort Lee, adequate provision for the temporary and permanent relocation of such businesses, as necessary, shall be made in accordance with all applicable state and federal regulations.
- No acquisition is contemplated as part of this Redevelopment Plan, however all privately owned lots within the redevelopment area are subject to acquisition by the Borough of Fort Lee in the event such acquisition becomes necessary.
- As indicated in Chapter 2, this Redevelopment Plan is consistent with the Master Plan for the Borough of Fort Lee. The Plan also complies with the goals and objectives of the New Jersey State Development and Redevelopment Plan.
- This Redevelopment Plan shall supersede all provisions of the Zoning Ordinance of the Borough of Fort Lee regulating development in the area addressed by this Redevelopment Plan. In all situations where zoning issues are not specifically addressed herein, the Fort Lee Zoning Ordinance shall, however, remain in effect. No "d" variance from the requirements herein shall be cognizable by the Zoning Board of Adjustment. Adoption of this Plan by the Borough Council shall be considered an amendment of the Borough of Fort Lee Zoning Map.
- If any section, paragraph, division, subdivision, clause or provision of this Redevelopment Plan shall be adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this Redevelopment Plan shall be deemed valid and effective.
- Any designated redeveloper must have a fully executed Redevelopment Agreement with the Borough prior to making any applications to the Planning Board.

## 9 APPENDIX

### 9.A.I Illustrative Conceptual Plans and Renderings

Figure 3. East Parcel: Site Master Plan.

Figure 4. West Parcel: Ground-Floor Site Plan, showing new streets and open space, building footprints, retail floorplates.

Note: Division of retail space into individual store floorplates may vary from that shown in this site plan, provided that it complies with the relevant requirements of this Redevelopment Plan.

Figure 5. East Parcel: Theatre View (Looking Northeast).

Figure 6. West Parcel: Hudson Street ROW Configurations.

Note: See Tables 3, 4, and 5 and Section 3.C.I.7 for more information on these options.

Figure 7. East Parcel: Landscape Plan.

Figure 8. East Parcel: Park View (Looking Southeast), Park View (Looking Northeast), and Park Café Terrace.

Figure 9. West Parcel: Examples of Parking Garage Architectural Screening.

Note: Different designs for architectural screening of the parking garages that are similar (e.g., in terms of level of detailing, articulation, and quality and level of materials) to the concepts shown in these example photographs are also acceptable, provided that they comply with the relevant requirements of this Redevelopment Plan.

Figure 10. East Parcel: Garage Spandrel Section/ Elevation and Main Street (Looking Northeast).

Figure 11. East Parcel: Aerial Renderings, showing tower and podium massing and garage rooftop uses.

Note: these renderings show three possible design options under consideration for architectural treatments on the top of the tower, both during the daytime and at nighttime. Note also, these renderings are intended to show tower and podium massing concepts, as well as rooftop landscaping and common areas, for the East Parcel.

Figure 12. West Parcel: Examples of Window Wall Construction and Detailing.

Note: the photographs show examples of window walls, chiefly as a means of clarifying their difference from curtain walls; and PTAC air conditioning units, which are placed within a logical, integral portion of the window framing. Other forms of window wall framing and detailing are also permitted, provided that they comply with the relevant requirements of this Redevelopment Plan.

Figure 13. West Parcel: Rendering of Hudson Street: streetscape character, retail facades.

Note: street and sidewalk widths may not be depicted correctly here compared to what is required in the Redevelopment Plan, and the actual building facades and streetscape may deviate from the conceptual rendering, provided that the requirements of this Redevelopment Plan are met.

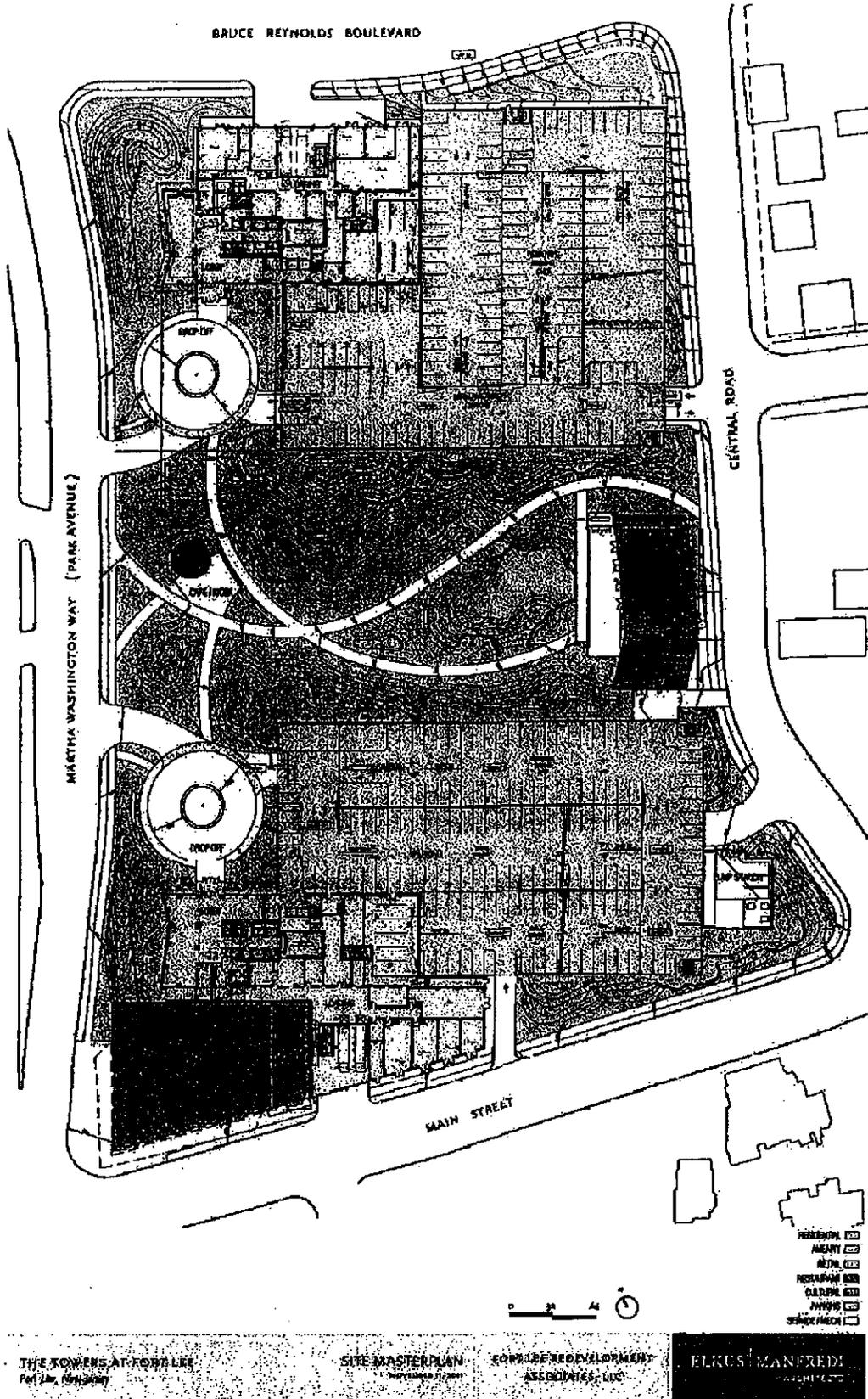
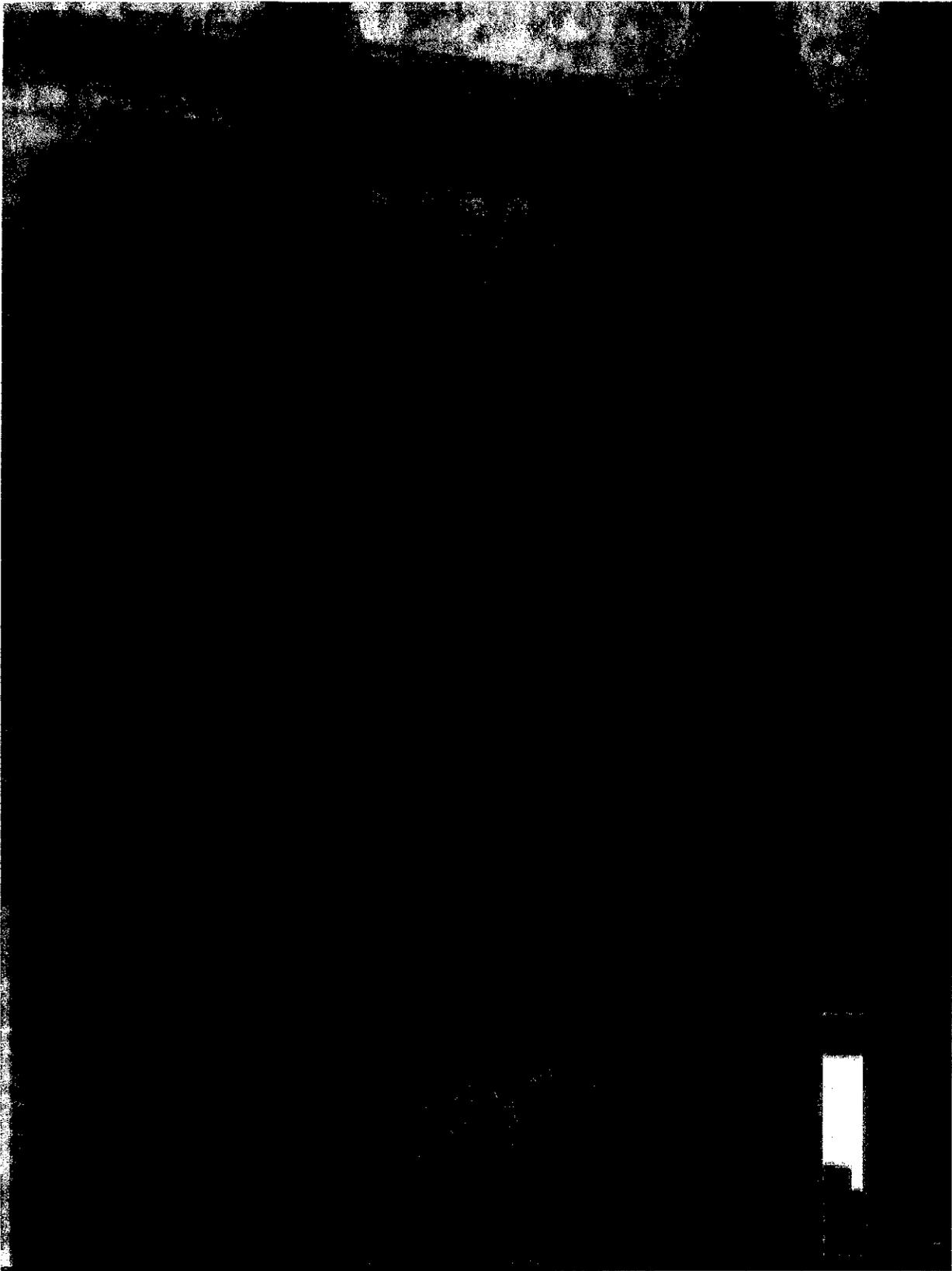


Figure 3. East Parcel: Site Master Plan



**Figure 4. West Parcel: Ground-Floor Site Plan, showing new streets and open space, building footprints, retail floorplates**



THE TOWERS AT FORT LEE  
Fort Lee, New Jersey

THEATRE VIEW (LOOKING NORTH EAST)  
OCTOBER 19, 2004

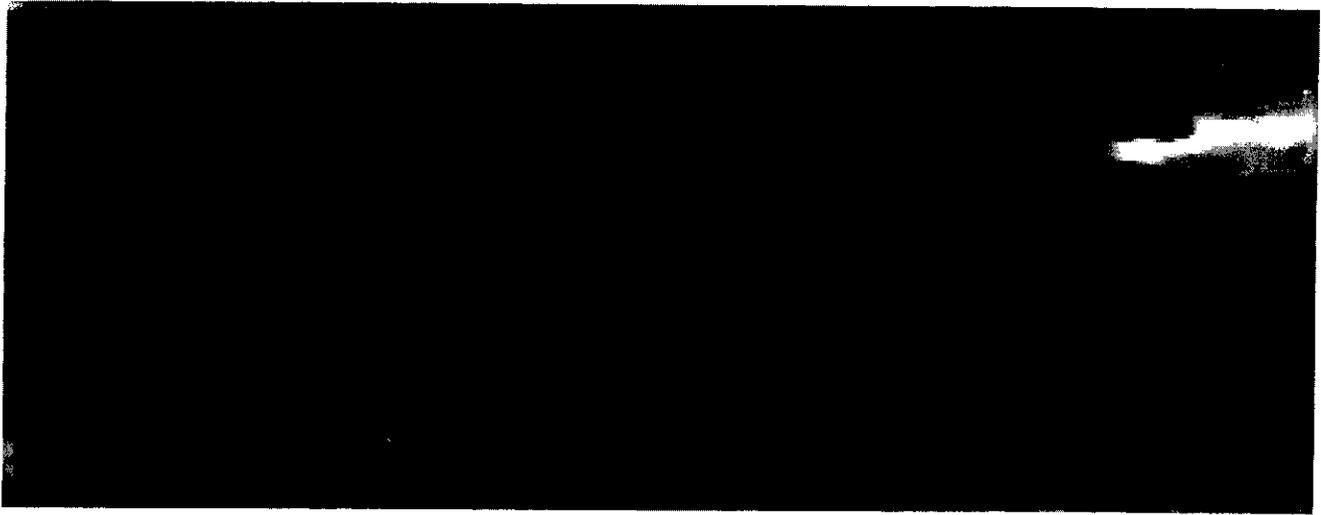
FORT LEE REDEVELOPMENT  
ASSOCIATES, LLC

BURNS | MANIACI  
CORPORATION

Figure 5. East Parcel: Theatre View (Looking Northeast)







THE TOWERS AT FORT LEE  
Fort Lee, New Jersey

PARK VIEW (LOOKING SOUTH-EAST)  
Fort Lee, NJ, NJ

FORT LEE REDEVELOPMENT  
ASSOCIATES, LLC



BURKS, MANFREDI  
ARCHITECTS



THE TOWERS AT FORT LEE  
Fort Lee, New Jersey

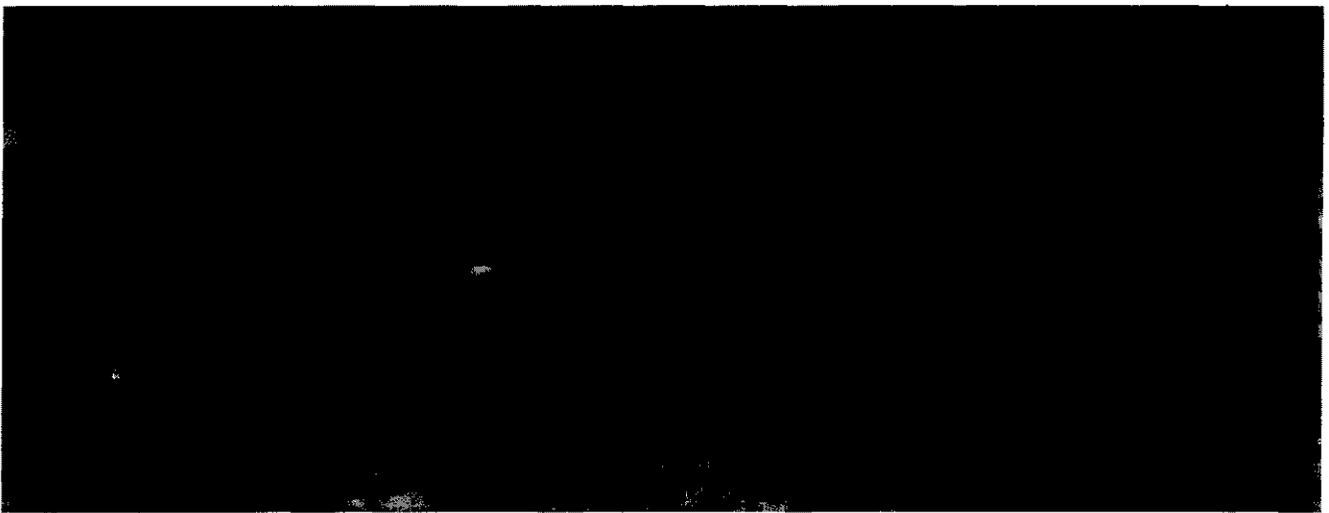
PARK VIEW (LOOKING NORTH-EAST)  
Fort Lee, NJ, NJ

FORT LEE REDEVELOPMENT  
ASSOCIATES, LLC



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Figure 8. Top: East Parcel: Park View (Looking Southeast)  
Center: East Parcel: Park View (Looking Northeast)



THE TOWERS AT FORT LEE  
POLYMER GROUP

AMERICAN EXPRESS  
FORT LEE REDEVELOPMENT  
ASSOCIATES, LLC

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ARCHITECTS

Figure 8 (Continued). East Parcel: Park Cafe Terrace

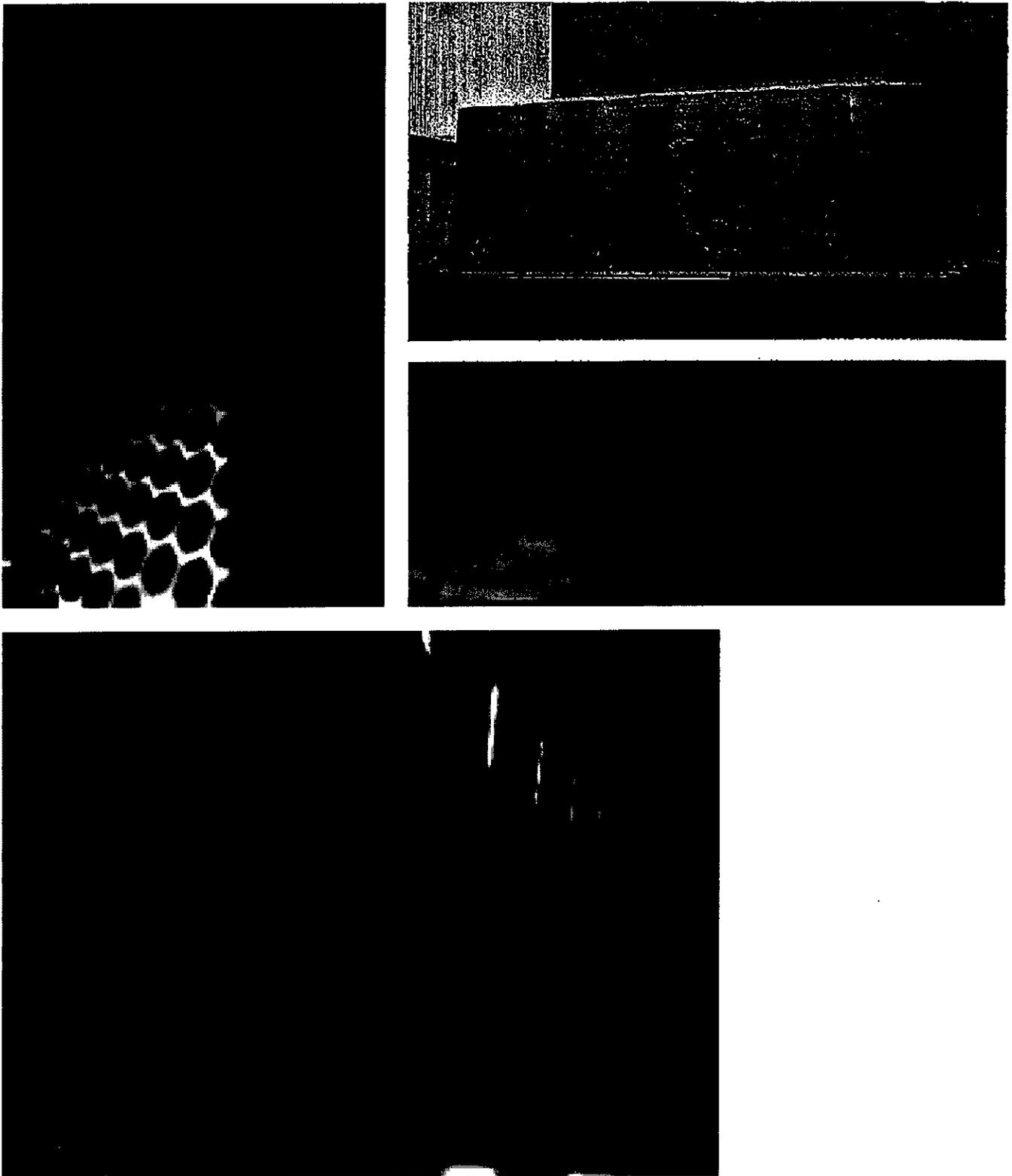
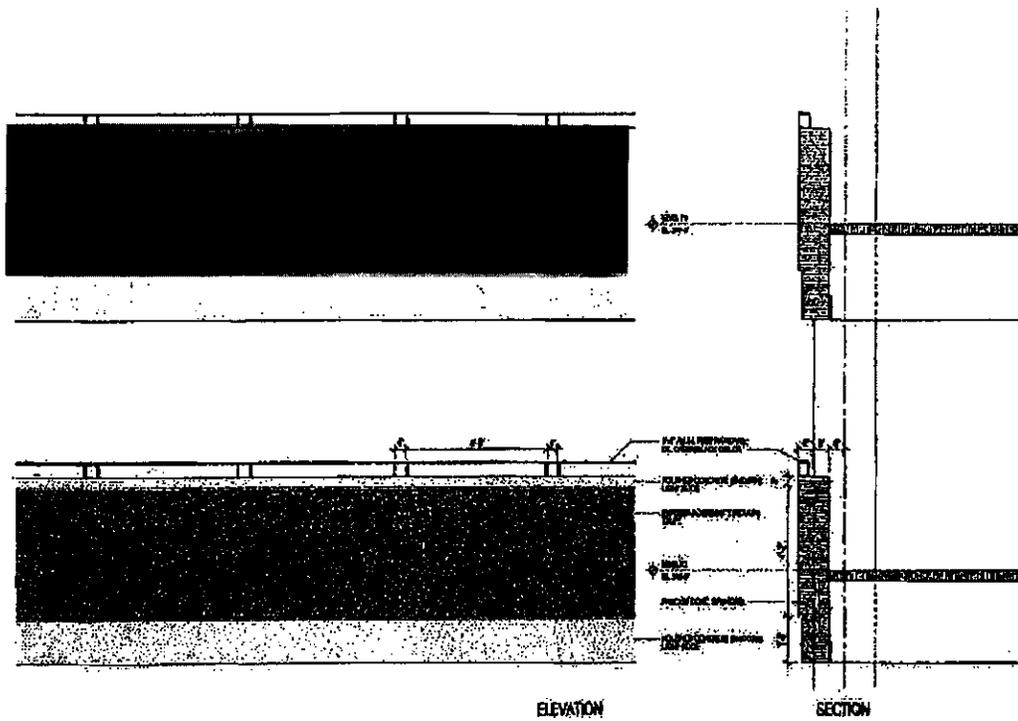


Figure 9. West Parcel: Examples of Parking Garage Architectural Screening



Figure 9 (Continued). West Parcel: Examples of Parking Garage Architectural Screening



THE TOWERS AT FORT LEE  
Fort Lee, New Jersey

CARAGE SPANDREL SECTION / ELEVATION  
REVISED 10/10/10

FORT LEE REDEVELOPMENT  
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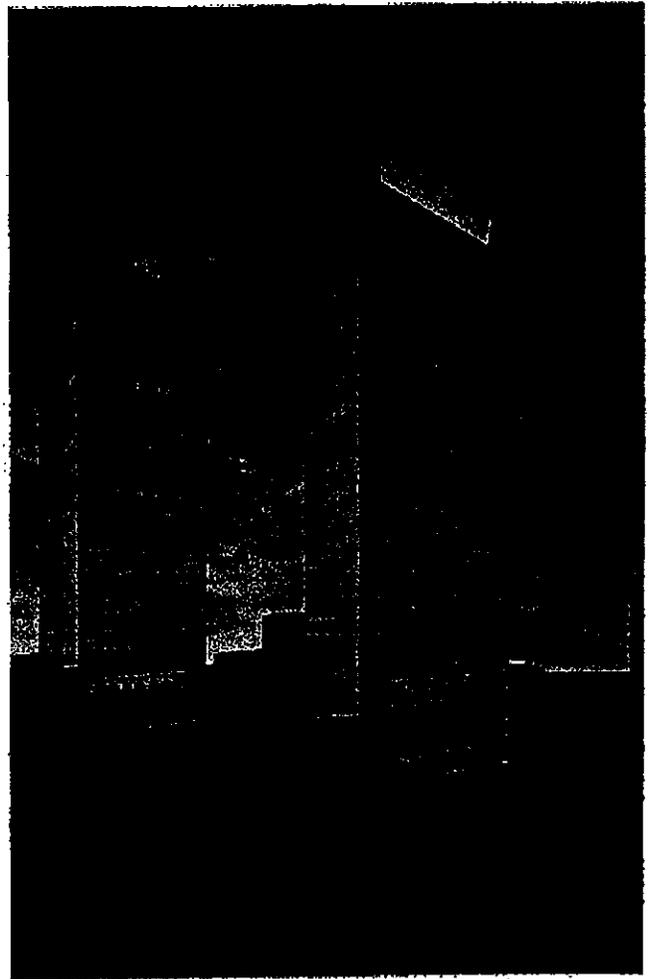
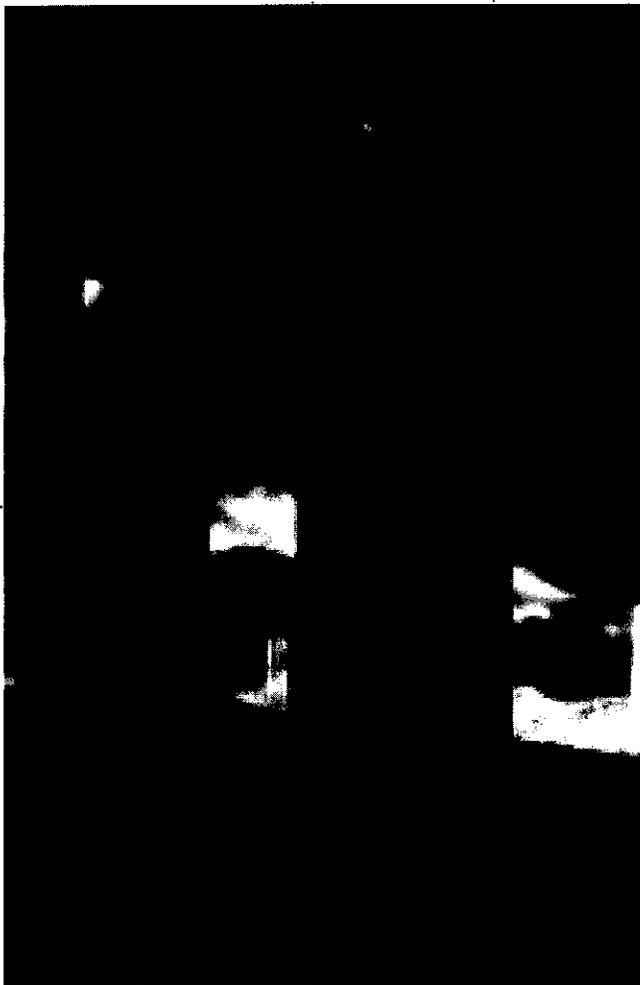
THE TOWERS AT FORT LEE  
Fort Lee, New Jersey

MAIN STREET (LOOKING NORTHEAST)  
REVISED 10/10/10

FORT LEE REDEVELOPMENT  
ASSOCIATES, LLC

ELKRE | MANFREDI  
ARCHITECTS

Figure 10. Top: East Parcel: Garage Spandrel Section / Elevation  
Bottom: Main Street (Looking Northeast)



THE TOWERS AT FORT LEE  
Fort Lee, New Jersey

OPTION A - EAST SIDE JARVIS VIEW  
September 9, 2010

FORT LEE HEIGHTS ASSOCIATES, LLC  
ARCHITECTS, LLC

ELKS (CAMERON)  
ARCHITECTS

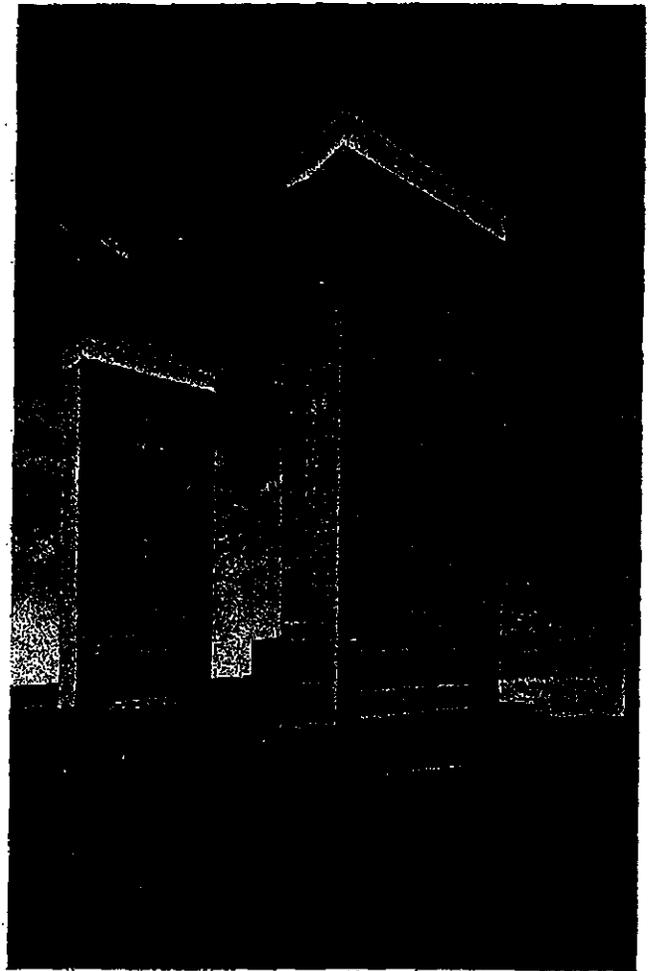
THE TOWERS AT FORT LEE  
Fort Lee, New Jersey

OPTION A - EAST SIDE JARVIS VIEW  
September 9, 2010

FORT LEE HEIGHTS ASSOCIATES, LLC  
ARCHITECTS, LLC

ELKS (CAMERON)  
ARCHITECTS

Figure 11. Left: East Parcel: Option A - Daytime  
Right: East Parcel: Option A - Nighttime



THE TOWERS AT FORT LLC  
Fort-Ltd, LLC

OPTION B - DAYTIME APPEARANCE  
OPTION B

FORT LEE REDEVELOPMENT  
ASSOCIATES, LLC

HEERMAN HOLDING  
CORPORATION

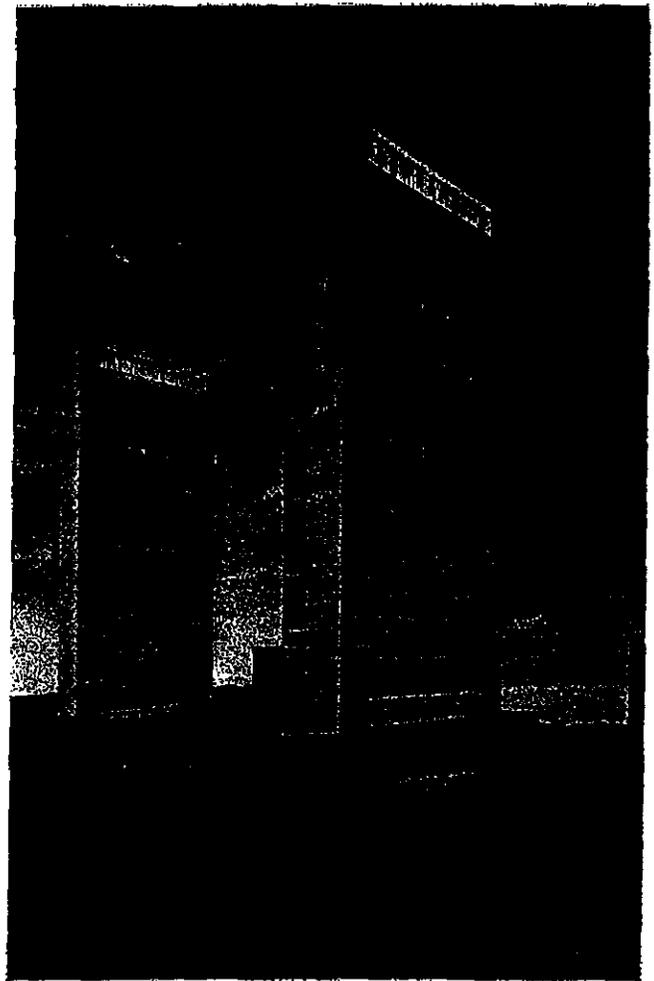
THE TOWERS AT FORT LLC  
Fort-Ltd, LLC

OPTION B - NIGHTTIME APPEARANCE  
OPTION B

FORT LEE REDEVELOPMENT  
ASSOCIATES, LLC

HEERMAN HOLDING  
CORPORATION

Figure 11 (Continued). Left: East Parcel: Option B - Daytime  
Right: East Parcel: Option B - Nighttime



THE SQUARE AT FORT LEE  
 1000 FORT LEE AVENUE  
 FORT LEE, NJ 07024

OPTION C - NIGHTTIME APPEARANCE  
 1000 FORT LEE AVENUE  
 FORT LEE, NJ 07024

FORT LEE DEVELOPMENT  
 ASSOCIATES, LLC

ELKE HANFEN  
 ARCHITECTS

THE SQUARE AT FORT LEE  
 1000 FORT LEE AVENUE  
 FORT LEE, NJ 07024

OPTION C - NIGHTTIME APPEARANCE  
 1000 FORT LEE AVENUE  
 FORT LEE, NJ 07024

FORT LEE DEVELOPMENT  
 ASSOCIATES, LLC

ELKE HANFEN  
 ARCHITECTS

Figure 11 (Continued). Left: East Parcel: Option C - Daytime  
 Right: East Parcel: Option C - Nighttime

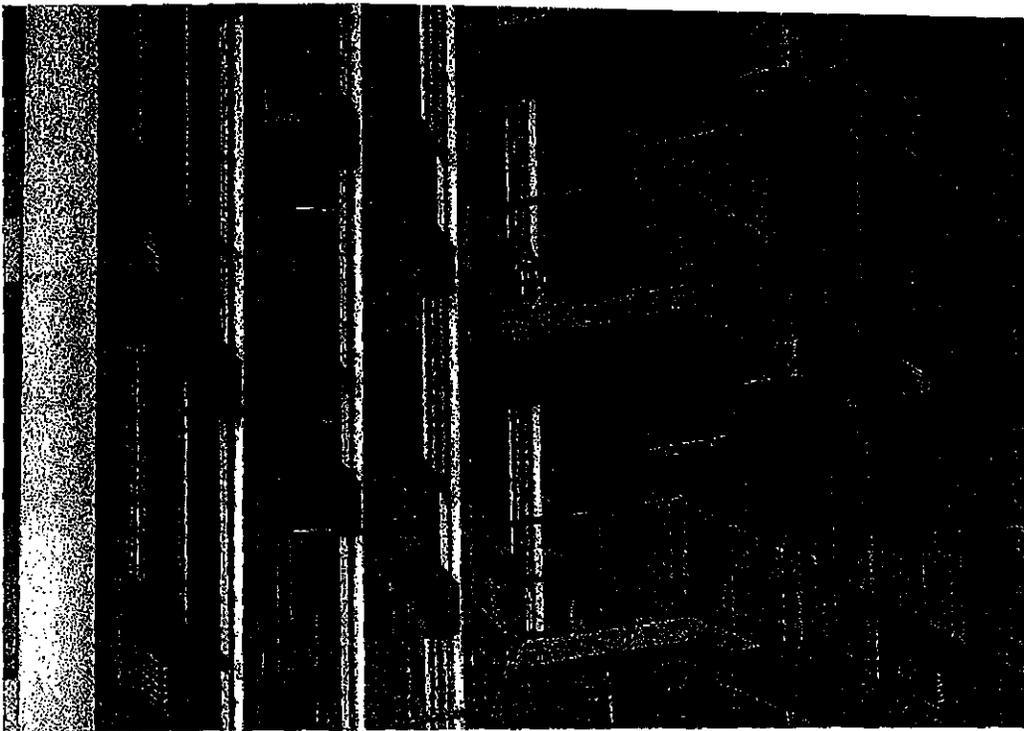
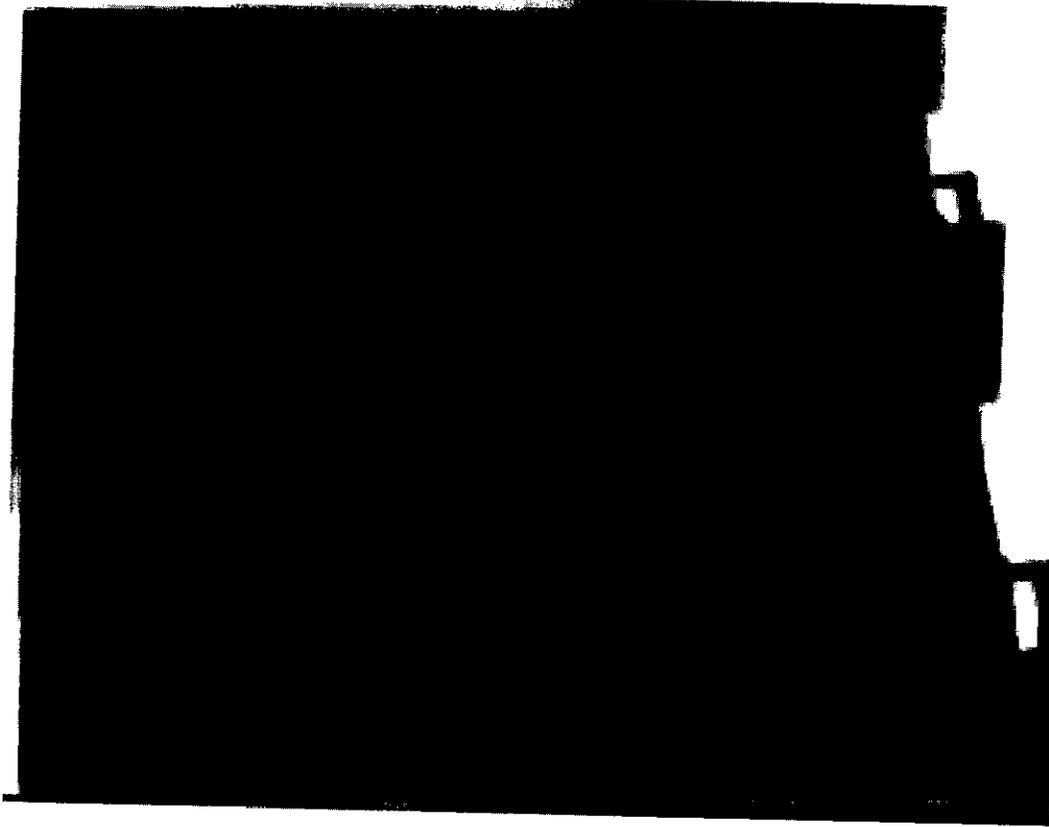
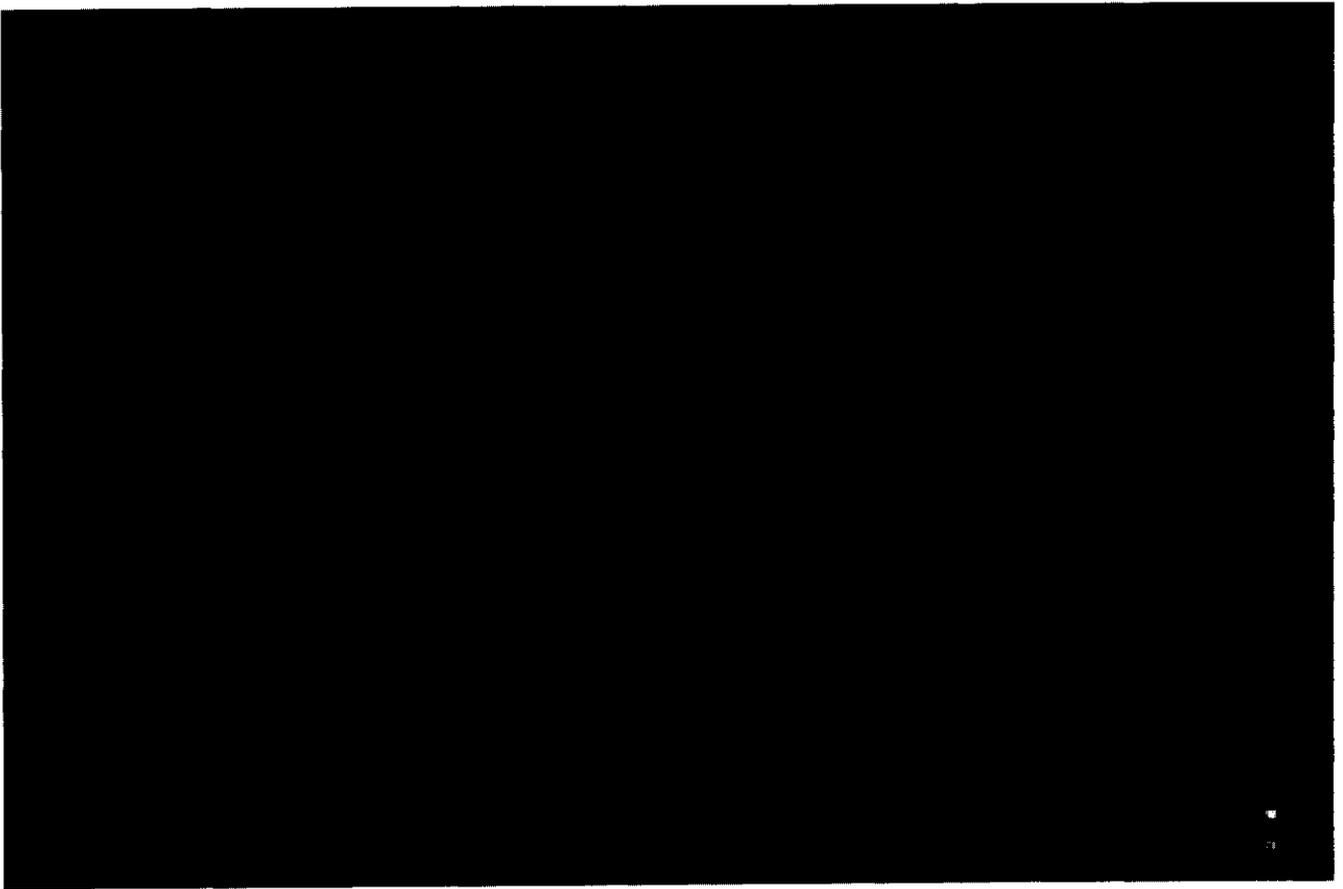


Figure 12. West Parcel: Examples of Window Wall Construction & Detailing



**Figure 13. West Parcel: Rendering of Hudson Street:  
Streetscape Character, Retail Facades**